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**Gender Secretariat,
Ministry of Health and Social Development**

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SEYCHELLES

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INTRODUCTION

Seychelles is party to the African Union (AU) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, as well as a number of other international instruments that attempt to address the issue of gender equality and equity, including the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the UN Convention on the Rights of the Child, the Southern African Development Community (SADC) Declaration on Gender and Development and its Addendum on the Prevention and Eradication of Violence Against Children and Women.

1.1 Constitutional Framework

Formal discrimination against women in the public sphere is no longer prevalent in Seychelles thanks to legislative safeguards. The 1993 Seychelles Constitution of the third Republic (hereafter referred to as the Constitution) guarantees the right to equal protection before the law for every person without discrimination on any ground¹.

The Constitution has been amended to remove most gender discriminatory language and in general is assumed to be gender neutral, making no distinction between the sexes. Although specific mention to women is made in particular areas, such as the affirmation on the right of working mothers:

“The state recognises the unique status and natural maternal functions of women in society and undertakes as a result to take appropriate measures to ensure that a working mother is afforded special protection with regard to paid leave and her conditions at work during such reasonable period as provided by the law before and after childbirth.”²

Although statements as these provide essential support to women for their biological reproductive roles, they do however tend to strengthen existing gender roles because they are not transformatory in their approach. The natural paternal functions of men in society are not recognised and, more specifically no mention is made to the paternal rights of working fathers, which would facilitate gender equality and women's empowerment by encouraging greater balance in caring responsibilities between men and women.

1.2 Political Framework

As the ruling political party for almost the last 30 years, the Seychelles People's Progressive Front (SPPF), has pledged to provide equal opportunities and access to social welfare services to every Seychellois, without exception stating:

“Every Seychellois should enjoy social protection and be empowered to participate in the development of Seychelles and share in the prosperity of such development.”³

1.3 National Budget

The Government has consistently maintained a high level of the national budget allocation to social development, for example in 2006 Government actually spent 8.6% of the total budget on education and youth, 8.45% on health and 6.4% on social security benefits, compared to only 3.8% on defence⁴.

This is reflected by the high HDI where Seychelles was ranked 47 in the 2006 Human Development Report⁵. Women fare well in comparison to men, with a consistently large difference observed between male and female life expectancy, which currently stands at a high 76 years for women and a significantly lower 69 years for men⁶. In the last census in 2002, adult literacy rates were recorded as excellent for both genders, with 91.9% of women and 90.1% of men listed as literate. Although the literacy rate for the portion of the population aged 12 years and older has since been estimated to be 96% for both genders for the year 2005.

1.4 Legal Framework

The main laws relating to gender and the provision of social protection for women and children in Seychelles are:

- The Children Act 1982, Cap28;
- Family Violence (Protection of Victims) Act 2000;
- Summary Jurisdiction (Wives and Children) Act 1963, Cap233;
- Status of Married Women Act 1948, Cap 231;
- Employment Act 1995, Cap 69 (Conditions of Employment Regulations, 1991 as amended by S.I. 81 of 1992); and
- The Matrimonial Causes Act 1992, Cap 124.

Complement to the Wives and Children's Act, the Children's Act was enacted due to the growing significant numbers of single mothers and children born out of wedlock⁷. The Act is aimed at addressing the risks posed to this vulnerable group, by empowering a parent to claim maintenance from the defaulting parent of their child⁸. Amendments in 2005 to the Children's Act, made additional provisions for the payment of extended maintenance to support children between the ages of 18-21 years in further education⁹. Both acts provide for the automatic deduction of alimony straight from the defaulting parent's salary via their employer¹⁰.

The 2000 regulation amendment of the Employment Act extended maternity leave from 8 to 10 weeks paid leave and 4 weeks unpaid¹¹. Additional maternity protection provisions were also made in the 1991 Employment Regulations. Working mothers, from the time of 6 months pregnancy to 3 months after birth, were exempted from having to work unsociable hours and overtime. Provisions were also made to allow any necessary changes to work duties and or transfer of job, without any reduction to wages, due to medical reasons, personal or those of her child, during these specified periods¹². No

provision is made for the protection of unpaid family workers or paternal leave for fathers.

However constitutional and legislative rights as well as policy do not guarantee gender equality, rather gender discrimination persist because of more hidden factors rooted in negative social attitudes and cultural norms. These require more long term solutions such as education and sensitisation campaigns to change ingrained beliefs and behaviour.

1.5 Gender Secretariat

The National Gender Machinery (NGM) is the Gender Secretariat, housed within the Social Development Division of the Ministry of Employment and Social Affairs (MESA) as the ministry holding the portfolio responsibility for gender. The Gender Secretariat has recently undergone some institutional changes after gaining status as a Secretariat in 2006. A budget increase has facilitated the previously one-staffed Gender Unit to employ two more fulltime staff members and implement some of its planned activities. The role of the Secretariat is to act as the permanent Lead Agency within the Gender Management System (GMS) with the goal of facilitating the mainstreaming of gender into all policies, programmes, and activities of the government, the private sector and civil society¹³.

The National Gender Steering Committee (NGSC) was reactivated on 8th March 2004 to mark International Women's Day and is currently chaired by the Principal Secretary of the Department of Social Affairs.

Last year the Gender Secretariat initiated a series of gender situational analysis exercises, produced two domestic violence sensitisation TV spots, held a series of gender analysis training and sensitisation workshops in collaboration with international partners and launched a nationwide study on domestic violence.

Some of the main activities of the Gender Secretariat for 2006 are to:

- Complete the situational analysis of data collection systems used by NGSC members at the organisation/staffing level, aimed at advocating the routine sex-disaggregation of all data collected and stored;
- Start coding, data entry and analysis of national survey on domestic violence, with the aim of producing preliminary findings; and
- Hold two Gender Analysis workshops (organisation and service level), aimed at building the capacity of the NGSC to understand gender analysis and design an adapted Gender Analytical Framework (GAF) for their own sectors.

The major challenges of gender mainstreaming in Seychelles remains the lack of capacity and commitment from stakeholders. Most NGSC members, except for the Department of Education, lack any kind of gender mainstreaming component in their mandate and hence do not priorities gender mainstreaming and the achievement of gender equality as a priority. The gender analysis exercises mentioned above are designed to encourage real mainstreaming through active participation from the start to build sectoral ownership of the whole process.

2 INFORMATION ON SUBSTANTIVE OPERATIVE PARAGRAPHS

2.1 COMMITMENT 1: HIV/AIDS and Other Related Infectious Diseases

Following the first recorded case of HIV in 1987 and AIDS in 1992, the Ministry of Health formulated the National Policy for the Prevention and Control of HIV/AIDS and STIs in 2001. The overall policy goal is to prevent and control the spread of HIV/AIDS and STIs and to care for those infected by them. Two of the eleven policy objectives are gender specific, aiming to increase the capacity of women, as a vulnerable group, to protect themselves against HIV/AIDS and STIs and to promote stable relationships and family values conducive to the control of these diseases. Other policy objectives particularly relevant to this report are to:

- Strengthen and sustain surveillance of HIV/AIDS and STIs;
- Provide comprehensive health care, including anti-retrovirals, and social support for people living with HIV/AIDS and their families; and
- Safeguard the human rights of people living with HIV/AIDS and those affected by the pandemic¹⁴.

Within the policy statement the Government has pledged to allocate adequate human, material and financial resources to HIV/AIDS activities and prioritise prevention and care activities that will increase the population's understanding and develop tolerance, openness and remove the stigma attached to HIV/AIDS¹⁵. The policy affirms that the Public Health Act will be reviewed to criminalize the wilful spread of HIV infection and protect the rights of Persons Living With HIV/AIDS (PLWHA)¹⁶. Government will also make the appropriate legislative change to prevent unfair discrimination and breaches of privacy based upon HIV status¹⁷.

The main strategies that have been adopted include: Information, Education and Communication (IEC) including age specific information and education through Personal and Social Education (PSE); Condom promotion and free distribution including female condoms at all hospitals and district health clinics; HIV surveillance activities including the provision of free Voluntary Counselling and Testing (VCT) services to all pregnant women preceded by counselling; Ensuring safe blood transfusion; and HIV testing of all immigrants seeking employment.

Prevention of mother to child transmission of HIV programmes include the provision of anti-retrovirals to HIV infected pregnant women and counselling on the risks of HIV transmission through breast feeding. Government support will be offered to women whatever decision they make, including the provision of infant formula and/or equipment to those unable to afford it.

A great majority of pregnant women attend ANC services and are offered VCT. Statistics suggest that health care services provided to pregnant women are excellent, where in 27

years the number of maternal deaths have only ever acceded one once, with the maternal mortality ratio standing at 65.10 (1 maternal death in 1536 live births) in 2005¹⁸. The last 3 years have seen an increase in the uptake of HIV testing in pregnant women. Today much less than 1% of pregnant women are still refusing testing and the HIV/AIDS prevalence rate amongst women in Seychelles remains low at 0.18%. Since the year 2000, pregnant women have had access to free antiretroviral therapy for the prevention of mother to child transmission of HIV/AIDS. To date 22 women have benefited from this treatment and all but one baby born to a HIV positive mother was HIV negative.

Despite modest gains made such as greater awareness, improved political commitment, strengthened multi-sectoral approach, increased condom distribution, and the introduction of free anti-retroviral therapy since August 2002, the HIV/AIDS prevalence in the country has continued to grow at an alarming rate. Between 2005 and 2006 the prevalence rate amongst the reproductive aged population (15-49 years) multiplied by more than 1.6 fold, from 0.19% to 0.50%¹⁹. Amongst the 291 known HIV/AIDS sufferers as of the end of 2006, 44% were female. In the 10 years between 1995 and 2005, the incidence rate of both HIV cases as well as AIDS cases has multiplied by 2.5 fold, from 13 to 45 new reported cases and 6 to 21 reported cases respectively. The significantly high incidence rate of AIDS for 2005 compared to HIV, suggests a problem with early detection prior to the development of the full blown disease, which obviously dramatically reduces the potential benefit of drug therapy. Statistics also clearly demonstrate the vulnerability of young people, with the prevalence rate of HIV infection amongst youth aged between 15-24 years at 0.15% compared to 0.19% for the general population for 2005. When considering the average age of first pregnancy being 19 years old, the high rates of teenage pregnancy (16% of all known pregnancies in 2005) and teenage abortion (18% of all abortions in 2005) it is easy to conclude that the vulnerability of young girls to infection is significantly more alarming than statistics presently indicate²⁰.

Recent sector level gender analysis has also highlighted the problem of male marginalisation from health services. The dominance of female health staff was identified as one of the factors inhibiting men to seek medical advice and help, especially for sexually related health problems. It was also pointed out that many people are reluctant to go for HIV/AIDS testing at the Communicable Diseases Control Unit (CDCU) because of the stigma attached to the disease and the problem of confidentiality due to the small size of the country. Although this was identified as a bigger problem for men, as women are more readily exposed to testing at several points in their life e.g. ANC and Family Planning. Following the Gender Analysis Workshops in October 2006 hosted by the Gender Secretariat, strong recommendations were made supporting the provision of male targeted health services. It was argued this would effectively improve access of health services to men and reduce the ever increasing life expectancy gap between men and women, as well as the problem of HIV/AIDS in the homosexual and bi-sexual communities. Specific suggestions included the creation of a men's health clinic staffed by male health workers and the provision of regular health sensitisation sessions in the work place, especially targeting male dominated industries. It was also recommended that VCT be integrated into these general health services, in order to reduce labelling and stigma, for increased number of men volunteering for HIV/AIDS testing. The main limitation to implementing this recommendation remains a lack of funding.

These are some of the factors recognised by stakeholders contributing to the growing problem of HIV/AIDS²¹:

- Persistent risky behaviour; promiscuity, unprotected sex, early sexual experience and alcohol abuse;
- Inadequacy of prevention programmes targeted at youth and other vulnerable groups;
- Secrecy, lack of openness and denial of the HIV/AIDS/STI problem in Seychelles;
- Persistent and widespread stigma surrounding HIV/AIDS;
- Large number of tourists visiting the small islands;
- Increasing number of Seychellois travelling abroad to often heavily infected areas such as Africa and South East Asia;
- Poor harmonisation of existing laws²²:
 - Legal age of consent for sexual intercourse is 15 years of age, however the Penal Code discriminates against victims of sexual interference if 14 years old or older²³;
 - Existence of a gender disparity in the age of consent to marriage; minimum age is 18 years although the law provides only girls aged between 15 -17 years the ability to marry with parents consent. The Minister has the mandate to make the final decision in cases where parental consent is lacking for girls and all cases of marriage for boys aged under 18 years²⁴;
 - However, the legal age for access to medical counselling and/or treatment without parental consent is 18 years old. Leaving girls aged 15-17 years vulnerable to unwanted pregnancy and infection of HIV/AIDS and STIs as they can legally consent to sex and girls can be pressured into marriage but cannot access contraceptive advice and /or prescriptions without parental consent;
- Insufficient research, dissemination and use of research in decision making;
- Inadequate monitoring and evaluation of intervention activities;
- Inadequate and ineffective involvement and coordination of all sectors;
- High prevalence of sexual violence, with preliminary findings of the national survey on domestic violence conducted by the Gender Secretariat indicating that at least 11% of the total sample of women surveyed admitted to having been raped;
- Lack of parenting skills: parents ill-equipped to counsel and advise children on Adolescent Reproductive Health (ARH); and
- Lack of confidentiality: small island state and small close-knit population.

Since adoption of the national policy, Government commitment to tackling HIV/AIDS has been reconfirmed through the creation of the National AIDS Council (NAC) in May 2002 that regularly reports to Cabinet and the National AIDS Trust Fund in October 2002, which is chaired by the Principal Secretaries of Health and Finance.

The National HIV/AIDS Strategic Plan 2005-2009, a multi-sectoral framework, was also developed to address the challenges listed above.

As a means of achieving strategic objective 2 of the strategic plan, “to reduce the risk factors of HIV/AIDS among the young people” the plan stipulates the specific objective “to reduce

the rate and impact of sexual abuse amongst young people”. These are some of the strategies developed to meet this objective:

- Public awareness programmes on rape/sexual abuse as contributing to HIV/AIDS pandemic;
- Policies and guidelines for Post Exposure Prophylaxis (PEP) programmes are developed and implemented for all cases of rape/sexual abuse;
- All victims of sexual abuse have access to PEP;
- Institutions are sensitised to the procedures regarding the implementation of the PEP programme;
- Revised policies/legislation related to abuse are approved and disseminated to interest groups for dissemination;
- Teachers, health workers, NGOs, FBOs, policemen, parents, young people and children are trained annually on preventing, identifying and dealing with cases of abuse;
- All known, probable and potential abusers receive counselling; and
- All condemned abusers have access to rehabilitative services²⁵.

Strategy 3 of the strategic plan, aims “to reduce the vulnerability of young people to HIV/AIDS” through the specific objective of “increasing the life skills of youth regarding sexual issues”. Strategies identified to achieve this include the review of existing curriculum and strengthening of teaching methods for the PSE programme in schools, advocating gender equality, abstinence, negotiation and parenting²⁶.

Government also set up a Youth Health Centre (YHC) in 1995 with the mandate to provide youth friendly ARH services, including advice, medical care and counselling on reproductive and health issues. Some of the major objectives for the YHC for 2005 included:

- Coordination of a Peer Education programme; aimed at conducting an outreach HIV/AIDS programme at the community level;
- Capacity building of Staff; with skills to carry out sensitisation talks on Behaviour Change Communication (BCC) skills, support services, and STIs in all post secondary institutions; and
- Initiation of a Parenting Programme; to establish better links with parents.

The YHC services have predominantly been accessed by girls and young women, accounting for 85% of all clients in 2005. The Centre has proved increasingly popular with young teenagers, with 38% clients visiting the Centre aged below 18 years of age in 2005 compared to 32% in the previous year. The majority of clients visiting the centre in 2005 accessed reproductive and sexual health services (49%), compared to 22% for intensive counselling and 29% for education and promotion for drug, alcohol and smoking. Out of the 1468 clients recorded for reproductive and sexual health services, 23% reported mainly for counselling and information, 10% were screened/ diagnosed and treated for STIs and 2.8% were screened for HIV/AIDS. All new clients benefited from ARH information, breast examination demonstrations, with the centre dispensing 8941 condoms free of charge in 2005.

There is a concern about the legality of providing ARH services to a person below the age of 18 without parental consent, however health workers may circumvent these difficulties by referring emergency gynaecology services on medical grounds, using the argument that it is in line with clinical responsibility to protect the health of the girl.

Despite the fact that sexual reproductive health services and programmes are readily available to those over 18 year and public awareness has increased significantly, trends indicate the persistence of risky sexual behaviour. This is indicated by the high number of teenage pregnancies (15%)²⁷, as well as unwanted pregnancies and abortions, with teenage abortions representing 17% of the total number of all spontaneous or induced abortions conducted by the Ministry of Health in 2005²⁸. This is a worryingly high incidence, considering that teenage girls represented only 15% of all women of reproductive age. Even though statistics indicate that the total number of terminations approved by the TOP board²⁹ is generally decreasing, the total number of incomplete and complete abortions has continued to grow. Incomplete abortions represented 68% of the total number of all abortions in 2005³⁰. Statistics indicate that this is a particularly serious problem affecting girls and young women aged under 24 years, as incomplete and septic abortions represented 61% of the total number of TOP, incomplete and septic abortions conducted on female patients aged under 24 years in 2005³¹. The high proportion of incomplete and septic abortions in proportion to the TOP abortions indicates that there may be a high incidence of illegal abortions requiring hospital aftercare or emergency treatment.

In order to address the following cause and effect of HIV/AIDS pandemic and to help young people make informed reproductive decisions, the following strategies must be considered.

- Reform of the legal and policy framework governing access to ARH services. These include the legal age of consent to sex and the age to access contraceptives and other reproductive health care treatment under the age of 18 years. The Committee for Harmonisation of Laws Concerning Children in Seychelles made several recommendations including the need to address the inconsistency between age of consent to sex (15 years of age) and the age at which young people can legally access contraceptive advice and/or prescription without parental consent (18 years of age). The issue of raising the age of consent to sex to 16 years was brought before the Cabinet in 2005, however the recommendation was deferred for further deliberation.
- Development of clear guidelines concerning provision of reproductive services to adolescents below the age of 18 years. In 1999 a set of “Guidelines for Doctors and Health Personnel providing Reproductive Health Services to Clients fewer than 18” were proposed, but to-date these guidelines have not been formally approved or routinely implemented.
- Provision of ARH services on school premises, staffed by trained nurses, (as opposed to teachers) to improve access to free advice and contraceptive services to students. The service can be integrated under a Health Promoting Schools model. This model services on other aspects of health, for example diet, anti-

tobacco and anti-drug programmes, and will therefore be more acceptable to young people who are in general apprehensive about seeking contraceptive advice.

- Decentralisation of the YHC, as currently the centre is only operating in Victoria (capital on main island) and a fortnightly service on Grand Anse, Praslin (second largest island). A more permanent and long-term service is required on Praslin as well as La Digue (third largest island), as well as a YHC in Anse Royale, Mahé, to improve access to Polytechnic students and youths living in the south of the island. Recommendations have also been made by the youth for the consideration of mobile health services for young people at the district level. This was seen as being particularly good for providing services outside normal opening hours.

To achieve strategic objective 4 of the plan, which is aimed at “reducing the impact (psychological, medical, social, economic and emotional) of HIV infection”, improved access to quality care and support services by PLWHA and their families will be achieved through; the establishment of standards and guidelines for care and support services; public sensitisation campaigns on service availability; improved quality and coverage of VCT services; decentralisation of basic care and support services; secured quality and supply of equipment and supplies and training of all staff covering issues such as stigma, discrimination and burnout³². This objective is gender neutral, as no specific mention is made to gender (or disability), as advocated by the Solemn Declaration, suggesting the need for revision of these identified strategies to ensure gender sensitivity.

Malaria is not prevalent in Seychelles and therefore this part of the commitment is not applicable.

2.2 COMMITMENT 2: Peace and Security

This commitment is not applicable to Seychelles, as we have not had any conflicts and do not participate in any peace envoys in the region. There is no legislation promoting women’s equal participation in peace envoys.

However, as discussed in Commitment 4, women are currently offered special protection under the Family Violence (Protection of Victims) Act 2000 from the Family Tribunal. This special Tribunal was created in 1998 to hear cases of family violence (of which 95% of cases reported in 2006 were registered by women), to offer protection, in the form of restraint orders, to victims. However, at present, the law does not recognise domestic violence, and perpetrators are tried under assault crimes in the courts.

2.3 COMMITMENT 3: Child Soldiers

Seychelles is a signatory member to the Convention on the Rights of the Child, which covers the protection of children under the age of 15 years in armed conflicts and the prohibition of the use of child soldiers³³.

There is no conscription in Seychelles and the minimum age for voluntary military service in the Defence Force is 18 years of age, exceptions requiring the written consent of parent and guardian or president³⁴.

However, there has not been any conflict in Seychelles and therefore this commitment is not applicable to Seychelles.

Protection against sexual abuse of women and children is covered in the Penal Code of Seychelles (discussed further under Commitment 4). An amendment made in 1996 to the Penal Code now provides special protection against sexual abuse of dependent children aged between 15 to 18 years of age³⁵, liable to imprisonment of up to 20 years.

2.4 COMMITMENT 4: Gender Based Violence

LEGISLATION

The Penal Code is the main criminal legislation in Seychelles that offers protection to all citizens against criminal offences. According to the 1995 amendments of the Penal Code, common assault, which includes threats of violence, is punishable up to 2 years³⁶ and assault resulting in actual bodily harm is punishable up to 7 years imprisonment³⁷. In addition, forced prostitution is now recognised as a criminal offence³⁸ as well as abduction of women and girls³⁹. However, legislative changes are required to provide better protection of boys against trafficking for the purposes of sex trade.

In 1996 the Code was amended to allow better protection of victims of gender based violence, including the recognition of spousal rape and sexual harassment as sexual assault crimes, punishable by up to 20 years imprisonment⁴⁰.

In order to provide better protection of witnesses during court proceedings, the Evidence Act was amended in 1996 to make provision for special arrangements for “vulnerable witnesses” (i.e. children, mentally challenged, sexually abused) to give evidence in court either in chambers or via closed circuit-television, where friends or relatives can accompany them to offer emotional support⁴¹. However, provisions made towards the utilisation of a closed circuit-television, have not as of yet, been fully implemented. A chamber was recently identified, but in most cases, testimonies of victims of abuse are still heard in open court.

However, further legislative changes are still required to provide better protection of victims of domestic violence. Currently the law does not recognise *domestic violence* as a

criminal offence and these incidents are dealt with as *assault* crimes under the Penal Code. However Police reluctance to intervene in these types of incidents, have led many to suggest the need for a specific piece of legislation to cover this particular form of assault. Currently the Family Tribunal does not try cases of ‘family violence’ but merely offers protection to its victims through restraint orders, including eviction of perpetrators from the family home (even if property is owned by the perpetrator) for a maximum period of two years. The Tribunal does actively encourage victims of domestic violence to report cases to the police, who will only be able to charge perpetrators for assault crimes, as defined above.

GOVERNMENTAL INSTITUTIONS

There have been concerted efforts to tackle the problem of domestic violence through the provision of services, sensitisation campaigns and public educational programmes. The following is a brief summary of the roles and impact of the main institutions dealing with domestic violence in Seychelles.

- **Department of Social Affairs**

The Department of Social Affairs of the Ministry of Social Affairs and Employment holds the portfolio responsibility for Children including the Children’s Act as well as the portfolio responsibility for gender.

The Family Tribunal (hereafter referred to as the Tribunal) was established in 1998 under the amended Children’s Act⁴² and administers the Family Violence (Protection of Victims) Act 2000, which came into force in July 2000. The Act is comprehensive and sensitive to the protection of victims of ‘family violence’ (actual or threatened violence), by providing them the right to appear in front of the Tribunal to register any complaint constituting ‘family violence’ and apply for a protection order for up to 2 years on behalf of themselves, another family member and property. The Act empowers the Tribunal with the right to direct perpetrators to attend counselling and/or rehabilitation programmes, with a fine of up to R30, 000 and/or imprisonment of up to 3 years if perpetrators are found to be in contempt of intentionally contravening orders⁴³.

From 2000 to 2006 the Tribunal has registered 1514 cases of domestic violence, with 148 orders to keep the peace being made in 2006 alone. Disaggregation of statistical data by sex and type of abuse (spousal, child, elderly etc.) only began in 2006. Gender analysis reveals that women continue to be the main victims of intimate partner violence, as over 95% of the 172 cases of spousal violence registered in 2006 were applied by women⁴⁴. In the same year the Tribunal made 31 eviction orders, with 97% of these orders applying to male respondents, forcing perpetrators to be evicted from the family home in order to protect the victim and the rest of the family from further danger.

Probation Services is one of the oldest existing institutions dealing with domestic violence. The division works directly with the Family Tribunal, where cases are typically registered at the Probation Services who carry out an investigation and pass their report to the Tribunal for hearing. Although the division’s work is guided by the Penal Code, it

emphasizes reconciliation rather than punishment and jointly with the Tribunal offers counselling to those affected by domestic violence.

- **Seychelles Police**

The Police have the mandate only to investigate cases of gender-based violence, it is the Attorney General's Office that has the power to decide whether to prosecute a case. As previously mentioned domestic violence is not legally recognised as a crime, but the term is used by service providers such as the Police for convenience sake.

The number of cases of domestic violence reported to the Police has generally been on the rise, with 266 cases reported in 2005⁴⁵. However, it should be noted that any official statistics on gender-based violence must be considered with caution, strong resistance of victims to report incidents to officials significantly underestimate the actual extent of the problem. Institutionalised gender inequalities and insensitivity, the social acceptance of gender based violence, along with confidentiality problems due to the small size of our country further exacerbate reluctance of victims to report incidents to officials.

- **Ministry of Health**

The health department lacks any formal policy or operational guidelines on how to deal with cases of domestic violence. Informal procedures are that the receptionist will first take a brief history of the victim to investigate any history of assault, the patient will then usually be referred to a doctor, who will carry out a physical examination and administer treatment. If required the patient will be referred to a surgeon, admitted overnight and or referred to a counsellor. Deeper analysis is carried out by the Counsellor, either on an in-patient or outpatient basis, to ascertain the holistic needs of the patient for appropriate referral to other services. Patient consent is required for all referrals, be it to the Police, Social Services, Family Tribunal, civil society organisations or referral for couple counselling etc. In cases of sexual violence, victims are usually referred straight to the gynaecologist, before being referred to the police and counsellor. If patients are observed to be exhibiting extreme emotional upset, they will also be referred to the psychologist. No isolated data is currently available for cases of domestic violence, as these cases are kept aggregated and not specifically identified apart from others.

- **Department of Education**

The Department of Education provides a programme on Personal and Social Education (PSE) within the national curriculum, that touches on gender based violence, using trained teachers and counsellors to give interactive teachings on positive family values and moral principles. The department also works closely with the Department of Social Affairs in cases where a pupil is suspected of experiencing social problems, such as gender-based violence.

NGOS AND CIVIL SOCIETY ORGANISATIONS

The National Council for Children (NCC) was created in 1991 and has the mandate as a statutory body to promote the welfare and rights of children. Responsibilities include awareness raising on children's issues; promote and develop treatment programmes for

children and families and to carry out research to further the applicable laws. NCCs work has in the past focused on counselling affected children, however recently the Council has launched a new pilot project on Praslin and held two Violence against Children workshops.

The Alliance of Solidarity For the Family (ASFF) is a local NGO that was established in 1996. Its main objectives focus on ARH and HIV/AIDS prevention, although one of its objectives was promoting gender equality and human rights. Between 2000 and 2003 the NGO operated a 24-hour hotline service for victims of domestic violence, staffed by volunteers. As of late 2005, ASFF hosted/chaired a multi-sectoral Domestic Violence Steering Committee, comprising of Government, NGO and civil society organisations, to co-ordinate and maximise national efforts towards addressing domestic violence. A gap now exists for the coordination and monitoring of pluralistic providers regarding cases of domestic violence.

The Association for the Promotion of Solid and Humane Families (APSHF) was established in 1995 under the umbrella of the Catholic Church. The Association has organised a series of relationship skills workshops on both Mahé and Praslin and provides counselling to empower couples to deal with domestic violence or empower individuals to escape abusive relationships.

RESEARCH

In 1999 the APSHF carried out a study amongst parishioners on domestic violence. Findings revealed that 25% of respondents admitted to having been a victim of domestic violence, the vast majority of which were women. While alcohol was found to be a significant contributing factor, the main cause of violence was identified as a lack of communication skills.

The Seychelles Institute of Management (SIM) published a SADC commissioned study entitled “Prevention and Eradication of Violence Against Women and Children” in 2001. The study concluded that gender based violence is on the rise in Seychelles and identified alcohol and promiscuity as the underlying causes. It acknowledged progress made in public sensitisation programmes but nevertheless recognised the social acceptance of gender based violence and unwillingness to identify such behaviour as criminal.

The Gender Secretariat is currently working on a national survey on the extent, causes and consequences of domestic violence. Preliminary findings suggest that this is a significant social ill that affects both men and women. Of the 846 people randomly sampled, 27% of women and 23% of men admitted to experiencing moderate physical violence at the hands of an intimate partner (ever been: pushed/shook/threw object/slapped by an intimate partner). 28% of women and 26% of men admitted to being a victim of severe physical violence (ever been: punched/threatened with a weapon/actually abused with a weapon/kicked/choked/burnt/threatened or actually abused pets/destroyed property by an intimate partner). Alarming, 11% of women admitted to having been raped by an intimate partner.

This problem remains an issue that affects all social groups, but particular groups were observed to be more at risk. Such as women of reproductive age, with 80% of women surveyed aged between 20 to 49 years old. Women from low-income households were also observed to be more at risk, with 53% of women reporting to earn below Rs2, 900 per month and 14% earning more than Rs4, 000 per month.

PUBLIC CAMPAIGNS

Numerous sensitisation campaigns have been conducted in the past to promote public awareness on gender based violence. The local radio station has featured a fortnightly 30 minute programme entitled “Elle” for the past couple of years that often invites experts and members of the public to debate issues related to domestic violence. The Gender Secretariat, in collaboration with other stakeholders, produced two TV spots on domestic violence that were aired repetitively during the 16 Days of Activism Against Violence Against Women during 2005 and 2006.

With the support of the Social Development Division, the Southern African NGO Gender Links convened a Media Training Workshop on Covering Gender Violence in November 2002 in Seychelles. The workshop targeted media practitioners from electronic and print media, offering practical training aimed at raising media awareness and increasing sensitive reportage of gender based violence. Following the workshop, the local media association GEM Plus was created to provide further opportunities for gender sensitisation of the media. Gender Links in collaboration with GEM Plus organised a second media training workshop in July 2006 specifically targeting journalists, focusing this time on equal media coverage of the economic and professional roles of women.

2.5 COMMITMENT 5: Gender Parity Principle

Seychelles women’s participation in decision-making processes at the political and administrative levels compares favourably with that of other countries in the region. For example women compose of:

- 30% of Cabinet of Ministers;
- 38% of all Principal Secretaries;
- 27% of Parliament;
- 56% of all District Administrators;
- 55% of all Directorship posts in the public sector;
- 36% of all Legislators and Senior Officials; and
- and hold the only Mayor post in Seychelles.

Attempts to further encourage and support women’s participation in politics and decision making has been championed by the Action Group of Women Parliamentarians, which was formed in 2000, with membership consisting of past and present female parliamentarians. The aim of the association is for its members to become role models

and mentors for young women aspiring to become involved in politics and decision-making. The Action Group has since become a member of the Seychelles Women's Commission, under the umbrella of Liaison Unit for Non-Governmental Organisations (LUNGOS).

However, further improvements can be achieved, as despite the fact that girls are academically outperforming boys, even in traditionally male dominated subjects such as maths and science, this comparative advantage is not being fully translated into the labour market. For example women constitute only:

- 14% of all Judges and Magistrates;
- 13% of all Physical, Mathematical and Engineering Science Professionals;
- 22% of all Chief Executives;
- 31% of all Corporate Managers; and
- 30% of all Employers.

Serious gender stereotyping exists in the labour market, with women dominating occupations that are seen as extensions of their gender roles, which are relatively less well paid than those stereotyped as 'men's' jobs. For example in occupations requiring caring and nurturing skills women represent:

- 68% of all Life Science and Health Professionals (e.g. nurses); and
- 73% of all Teaching Professionals.

Women are still concentrated in the lower cadres of occupation, generally holding less paid, less prestigious and less stable jobs. For example women make up:

- 77% of all Office Clerks;
- 77% of all Teaching Associate Professionals;
- 86% of all Customer Service Clerks; and
- 70% of all Models, Salespersons and Demonstrators.

With neo-liberal pressures for drastic cuts to government expenditure and pressures to *down size*, the economic stability of women is at risk, considering that 63% of all Government employees are women and that they tend to cluster in expendable positions such as clerks and cleaners. This makes women a vulnerable group to economic shock and disempowerment during periods of recession or public sector reform.

Early motherhood has been documented worldwide to potentially seriously restrict the educational and employment opportunities of girls and women in later life and as discussed above, teenage pregnancy is recognised as a serious problem in Seychelles. This can lead to reduced socio-economic development of this vulnerable group and their children. Statistics from the Department of Employment also confirm the negative impacts that the trend of early motherhood has to the short-term employment opportunities of young women. Between the years of 2004-2006, young women have

consistently made up a greater proportion of active jobseekers aged between 20-24 years compared to men in the same age group⁴⁶.

In response to this, the government created the Centre for Skills Development (CSD) in 1995, within the MESA. The programme provides free training schemes for unskilled youth with the aim of improving their employment opportunities. As of the beginning of 2007, 93.9% of all participants on the Skill Acquisition Programme (SAP) were young women, indicating a general lack of marketable skills, skills mismatch and gender discrimination in the labour market. This scheme provides training in different fields, such as hairdressers, sales assistants, general helpers, clerks and seamstresses. Candidates are placed within a ministry or business company for one year, during which they will be trained and monitored, and after completion, the organisation actively encourages employers to take on participants on a permanent basis. Alternatively, within the district Projects in Small Business Development (PSBD), Candidates are placed for two years on a district project organised by the MESA. During their training, the trainees attend the SIM for management courses and the Adult Learning and Distance Education Centre (ALDEC). After one year of training, they are placed in different sectors for a taste of business in the world of work. Projects include, woodwork, fashion design, upholstery and several sewing combination courses. As of the beginning of 2007, 84.5% of all participants were young women⁴⁷.

However, there is currently a need to revise the training allowance and type of training courses offered, in order to improve the working condition of participants and provide youth with more strategic marketable skills in profit making areas.

Government has so far refrained from implementing a policy of affirmative action or positive discrimination to address the gender disparity in the labour market and ensure a critical mass of women in decision making positions. Although statistics point to a need for some sort of strategy to address gender disparities in certain sectors.

As an alternative strategy, Government provides a free crèche at the district level attached to every primary school, facilitating women to combine their maternal roles with their productive roles in the economy. Currently Seychelles has a total number of 32 crèches, both private and public, with a pupil teacher ratio of 15:1. Government has also encouraged the private sector to open more day care centres, with tax incentives and credit schemes to encourage low cost child care.

2.6 COMMITMENT 6: Human Rights of Women

CEDAW

Seychelles acceded the Convention on the Elimination of All Forms of Discrimination Against Women on 5th May 1992 and signed its Optional Protocol on 22nd July 2002. At present steps are being taken towards acceding the Optional Protocol which came into force on 12th December 2000 and towards the submission of the initial and subsequent reports, which have been outstanding since 1993.

AU Protocol

Seychelles acceded without reservation to the African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa on 9th March 2006, which had already come into force on 25th November 2005.

SADC Declaration

Seychelles signed the Southern African Development Community Declaration on Gender and Development on 8th September 1997. And signed the SADC Addendum on the Prevention and Eradication of Violence Against Children and Women on 14th September 1998.

ASFF a local NGO published a summarised version of the Addendum in one of the official languages, English, to raise awareness on SADCs commitment towards tackling violence against women and children.

Convention on the Rights of the Child

Seychelles acceded the United Nations Convention on the Rights of the Child on 7th September 1990 and signed both its Optional Protocols on Armed Conflict and Sale of Children on 23rd January 2001, which are both yet to be ratified.

Implementation of International Instruments

Membership to these various international instruments mentioned above did not require any immediate amendment to Seychelles legislation. The Constitution of 1993, as the supreme law of Seychelles enforceable by an independent judiciary, provides scope to include a large number of the principles contained in these instruments in the form of Constitutional guarantees regardless of conflicting existing legislation⁴⁸.

In relation to child protection, a Committee for the Harmonisation of Laws Concerning Children in Seychelles was set up in 2002 to study inconsistencies in the law regarding child protection. The Committee proposed several recommendations, including amendments to the Penal Code regarding raising the age of consent for sex from 15 to 16 years, protection of victims of sexual assault from 15 years rather than 14 and recommendations for making the NCCP a statutory body. Several of these recommendations have been passed by cabinet and already implemented, such as the introduction of mandatory sentences for child abusers⁴⁹, criminalisation of child pornography⁵⁰ and the set up of a Child Protection Register, which will also include a Register of Convicted Offenders⁵¹ However concerted effort must be maintained to ensure implementation of all the recommendations, including those most critical but problematic, i.e. conflicting laws regarding age of consent for sex and access to reproductive health services.

In relation to violence against women, further analysis of the national survey on domestic violence will also help policy makers and stakeholders better understand the problem of domestic violence and develop a Risk Indicator Framework and evidence-based policies and strategies. Government and civil society organisations have recognised the cultural

factors and institutional limitations impeding the battle against gender violence, such as the inadequate response of Police and judiciary in addressing cases of violence against women and children. Efforts are currently being made by the Gender Secretariat to strengthen the integrated response of multiple stakeholders. The government is also currently taking steps into developing appropriate administrative frameworks and legislation to criminalize domestic violence in order to more effectively deal with perpetrators.

The major factors constraining gender mainstreaming is the lack of clear policy guidelines and available up-to-date sex disaggregated data. Despite a budgetary increase in 2006, the Gender Secretariat is still understaffed and under resourced. In 2005 the Gender Secretariat formulated national guidelines for gender mainstreaming and an action plan with the medium-term goal of identifying critical areas to be covered in the National Gender Policy. The approach being used by the Secretariat is both integrated and participatory, using strategic, concrete steps towards the development of an evidence-based national policy. Critical areas of concern of international instruments dealing with gender will be incorporated into the upcoming policy in a context-specific manner to Seychelles. A wide spectrum of stakeholders from different sectors have participated in a series of capacity building workshops, aimed at equipping staff with gender sensitive tools to carry out gender analysis and mainstream gender at every level. The Gender Secretariat will now work closely with these Stakeholders to ensure implementation of these skills and tools acquired.

2.7 COMMITMENT 7: Land, Property and Inheritance Rights

The right of women (married or unmarried) to own land and property⁵² and to inherit equally⁵³ has long been guaranteed under several legislative documents and is no longer a gender issue in Seychelles. Under the Civil Code of Seychelles Act, as amended in 1991, in cases of death, the surviving spouse has rights to all personal assets and to one half of the remaining properties⁵⁴.

Formerly marriages were contracted under what was known as the “Regime de Communauté des Biens” which gave the spouse automatic claim on half the properties belonging to their partner. This is however no longer the case, presently a wife or common-law wife, has no automatic claim to land or property in cases of divorce, unless she can produce receipts of her share of expenses. The only safety net existing for women is the provision made in the Matrimonial Causes Act, which makes provisions under the satisfaction of the court, for maintenance payments pending suit⁵⁵ and financial relief once an order has been received⁵⁶. Over and above that the parties to a marriage are at liberty to enter into an agreement relating to settlement of property⁵⁷.

2.8 COMMITMENT 8: Education

Equality of access to education for girls has to a large extent been achieved and is not a problem in Seychelles. The Government has had a policy of 'education for all' without any discrimination since the creation of the SPPF Government in 1977. This has ensured that both girls and boys aged from 3+ to 15+ years have had access to free and compulsory primary and secondary education, with almost 100% enrolment rates, almost equal enrolment ratios between girls and boys⁵⁸, and consistently impressive student teacher ratios throughout the education system⁵⁹. Primary school completion rates are excellent for both genders, however major discrepancies have been recorded between the completion rates of girls and boys at secondary level, with more than twice as many boys than girls dropping out of school before the completion of their fifth year⁶⁰.

Although teenage retention was not a major concern for female students, the policy on teenage pregnancy was reviewed in 2002 to allow pregnant girls to continue with their studies both during and after pregnancy. The Education sector has taken several steps to ensure that schools provide both girls and boys with equal chances for success. In response to a growing concern about boy's academic underachievement, a study was conducted in 2002 to determine the extent and causes of boy's underachievement in primary schools.

Serious gender imbalances in staffing levels were observed at the time and up to today, with women continuing to comprise of approximately 85% of all primary school teachers and 100% of all crèche teachers. It has been documented internationally that girls benefit more than boys at primary level education because they build stronger relationships with female teachers that facilitates improved learning conditions. Findings also highlighted gender blindness of staff, with boys being characterised as 'disruptive' and 'lazy' from an early age by the predominantly female staff, which proves to only perpetuate and reinforce gender stereotypes. On average boys were found to be underachieving by an average of 10% in comparison to girls, even in traditionally male dominated subjects such as maths (7.7%) and science (9.2%).

At the tertiary and post secondary levels, girls continue to be well represented, and even outnumber boys. Although post-secondary and non-tertiary institutions have seen a growth of 57% enrolment rates from 2005 to 2006, there has been a growing gap recorded between the ratio of girls and boys enrolling onto these courses. This can be explained by the growing number of girls enrolling in the Seychelles Hospitality Tourism Training College (SHTTC) to meet the growing demands for labour by the mushrooming industry of 5 star hotels on the islands. Girls compete on an equal basis with boys for scholarships for university studies.

The Ministry of Education and Youth is one of the leading sectors in gender mainstreaming and was the first ministry to set up a gender focal point in 1996 and appoint a Gender in Education Committee. Substantial efforts have been made to understand gender inequality at both the organisation (staffing) level and the service (pupil) level, including the sensitisation of staff and pupils alike regarding gender issues, engendering the curriculum and textbooks to remove any discriminatory language and images and incorporate teaching on human rights.

During 1996, Directors and Heads of Units in Education followed a course in Gender Planning and Management, aimed at building capacity to integrate gender into planning processes. This has had some positive results, resulting in recent policy documents being gender responsive. National Examination results and education statistics are now more systematically gender disaggregated so that the progress of both genders in education can be monitored and all disparities highlighted. Gender has been successfully integrated into the new Ministry of Education's Strategic Plan (ESP), initial teacher training programmes and major projects such as the school improvement programmes.

The new PSE Programme, which is compulsory for all students, discusses family responsibilities and relationships in gender sensitive ways that are not limited by traditional gender roles and tasks. Accurate information on growth and development as normal processes for both boys and girls is given to students, and gender sensitive careers education and counselling are being introduced from very early ages. This will bring about attitudinal changes over time and help boys and girls develop new and stronger relationships based on respect and equality for both genders.

In spite of a policy of equal access to scientific, vocational and technical education, the rigid stereotyping of subject and career choices especially at the post secondary level is a cause of concern. Although statistics suggest that the number of girls accessing technical areas is on the increase, girls continue to be grossly under-represented in the technical and vocational areas in spite of their good academic performance and the open door policy and concentrated in areas related to the caring and supportive role.

From 2004 to 2006 the percentage of women studying maritime studies grew from 11% to 14%⁶¹, with completion rates for both sexes remaining at an excellent 100% every year⁶². In the Visual Arts, men concentrate in the fine arts and graphics, while women concentrate in fashion and textiles. In the three years between 2004 to 2006, the percentage of women enrolling in the first phase of the Seychelles Agricultural and Horticultural Training Centre have fluctuated from 30%, to 46%, to 23%. Although within the second phase of this years course, women constitute a larger proportion of the total number of students continuing their studies (65%), indicating better academic achievement and completion rates by female students even in this male dominated domain⁶³.

In the National Institute for Education, the large majority of trainee students remain women, with the small number of men being concentrated at the secondary education level rather than primary level and in male-dominated subjects such as maths, science, physical education, history and geography. For example in 2006 women made up 100% of the students studying for a Diploma in Primary Education; 78% studying a Diploma in Secondary Education and 75% part-time course⁶⁴. In the National Institute of Health and Social Studies (NIHSS), nursing remains entirely female dominated, between 2004-2006 only women enrolled on this course, while male students were present on every other course apart from nursing, with the largest numbers concentrated in emergency care, bio-medical science and environmental science⁶⁵. In the Business and Secretarial Studies Programme Area, the number of men

studying accounting has risen from 25% in 2004 to 45% in 2006 although secretarial studies has remained a female dominated area, with only one man enrolled onto the course in 2006⁶⁶.

Gender equality is one of the stated goals of the Ministry of Education and Youth and is embodied in the principle of 'equity' as described in its new policy statement 'Education for a Learning Society' published in 2000. The new policy emphasizes the need to extend the concept of equity, to redress gender imbalances and provide optimum chances of success to both genders at all levels of schooling, The new Plan of Action for Gender Equality in Education (2002-2015), which has been developed in tandem with the Education For All (EFA) Strategic Plan (2002-2015) will address these new emerging issues.

To effectively address Goal 5 of the EFA dealing with gender equality⁶⁷, the gender action plan has set the following targets:

1. Become a model of good practice in mainstreaming gender;
2. Acquire adequate funds and resources to sustain gender development work and implement the gender action plan;
3. Strengthen the capacity of gender trainers to implement the gender action plan;
4. Conduct gender research in key areas where disparities exist;
5. Create gender inclusive teaching/learning environments in primary and secondary schools which enhance academic success for both genders;
6. Create school environments where both genders feel safe and where they are respected and valued;
7. Ensure that the new national curriculum addresses gender equity principles which meet the needs of both girls and boys;
8. Sensitise parents and the general public on gender disparities in education; and
9. Establish productive links with partners/agencies working with women/children⁶⁸.

However the gender action plan is yet to be implemented due to lack of funding.

2.9 COMMITMENT 9: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

Seychelles has recently become party to the AU Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, after acceding without reservation to the Protocol on 9th March 2006.

3 ANNEX

3.1 List of Abbreviations and Acronyms

AIDS	Acquired Immune Deficiency Syndrome
ALDEC	Adult Learning and Distance Education Centre
ANC	Anti-Natal Care
APSHF	Association for the Promotion of Solid and Humane Families
ARH	Adolescent Reproductive Health
ASFF	Alliance of Solidarity For the Family
AU	African Union
BBC	Behaviour Change Communication
Cap	Chapter
CDCU	Communicable Diseases Control Unit
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSD	Centre for Skills Development
EFA	Education For All
ESP	(Ministry of) Education's Strategic Plan
FBO	Faith Based Organisations
GAF	Gender Analytical Framework
GMS	Gender Management System
GTAT	Gender Technical Advisory Team
HDI	Human Development Index
HFC	Housing Finance Company
HIV	Human Immunodeficiency Virus
HRDP	Human Development Plan
IEC	Information, Education and Communication
LUNGOS	Liaison Unit for Non-Governmental Organisations
MESA	Ministry of Employment and Social Affairs
NAC	National AIDS Council
NCC	National Council for Children
NCCP	National Commission for Child Protection
NGM	National Gender Machinery
NGO	Non-Governmental Organisation
NGSC	National Gender Steering Committee
PEP	Post Exposure Prophylaxis
PLWHA	Persons Living With HIV/AIDS
PoA	Plan of Action
PPC	Policy Planning and Co-operation division
PSBD	Projects in Small Business Development
PSE	Personal and Social Education
SADC	Southern African Development Community
SAP	Skill Acquisition Programme
SHTCC	Seychelles Hospitality Tourism Training College

SIM	Seychelles Institute of Management
SPPF	Seychelles People's Progressive Front
STI	Sexually Transmitted Infection
TOP	Termination of Pregnancy
TOR	Terms Of Reference
TOT	Training of Trainers
UN	United Nations
UNECA	United Nation Economic Commission for Africa
VCT	Voluntary Counselling and Testing
YHC	Youth Health Centre

3.2 Diagram 1: Role and Responsibilities of Gender Secretariat

Purpose

To improve the quality of life of all Seychellois by promoting gender equality and equity for a just and sustainable society.

Goal:

To facilitate the mainstreaming of gender into all policies, programmes, and activities of the government, the private sector and civil society.

Key Roles

- To act as the permanent Lead Agency within the Gender Management System (GMS).
- To work in close collaboration with the NGSC, the Gender Management Team and other national and international stakeholders to ensure effective gender mainstreaming.

Key Functions

- To initiate, strengthen and institutionalise the GMS.
- To be responsible for the overall co-ordination and monitoring of the GMS.
- To play a strategic and catalytic advocacy role, by introducing critical gender concerns into the policies, plans, programmes at all levels.
- To develop national policy guidelines for gender mainstreaming.
- To ensure that key targets and indicators on the status of women and men are set, agreed upon and met.
- To lead the overall monitoring and evaluation of the impact of the gender mainstreaming process.
- To manage the flow of information on gender issues and communicating policy changes and results.
- To facilitate capacity building for gender mainstreaming.

3.3 REFERENCES

¹ Article 27(1); The Right to Equal Protection Under the Law

“Every person has a right to equal protection of the law including the enjoyment of the rights and freedoms set out in this charter without discrimination on any grounds except as is necessary in a democratic society.”

THE REPUBLIC OF SEYCHELLES (1993) *Constitution of the Third Republic of Seychelles*, Cap42, Article 27(1)

² **THE REPUBLIC OF SEYCHELLES (1993) *Constitution of the Third Republic of Seychelles*, Cap42, Article 30**

³ **SPPF (2006) *Manifesto*, p8**

⁴ **Government Expenditure 2004-2007**

	2004		2005		2006	
	Budget	Actual	Budget	Actual	Budget	Actual
Total Budget Outlay	1517	1789	1726	1816	1751	2302
Total Current Outlay	1467	1671	1508	1555	1514	1901
Ministries/Departments						
Education and Youth	157	166	151	171	178	197
Health	159	176	155	183	176	194
Defence	74	90	69	71	77	88
Social Security Contributions	133	143	143	143	143	147

CENTRAL BANK (2006) *Central Bank of Seychelles; Annual report*, p33.

⁵ **UNDP (2006) *Beyond Scarcity: Power, Poverty and the Global Water Crisis*, New York: UNDP**

⁶ *Life Expectancy at Birth By Sex, 1980 to 2005*

Year	Males	Females	Both Sexes	Age Difference (F-M)
1980	65.49	73.91	69.48	8.42
1981	67.65	72.76	70.50	5.11
1982	64.26	74.55	69.23	10.29
1983	65.73	75.31	70.20	9.58
1984	65.65	73.63	69.60	7.98
1985	63.56	76.05	69.07	12.49
1986	64.88	72.63	69.71	7.75
1987	63.73	73.01	68.20	9.28
1988	64.76	72.75	68.75	7.99
1989	62.80	73.39	67.65	10.59
1990	62.41	74.11	67.72	11.7
1991	65.16	76.49	70.34	11.33
1992	65.75	76.87	70.86	11.12
1993	64.16	74.97	69.43	10.81
1994	65.87	75.81	70.54	9.94
1995	65.81	79.48	72.00	13.67
1996	66.01	77.39	71.32	11.38
1997	65.67	77.02	71.01	11.35
1998	67.59	76.07	71.72	8.48
1999	67.36	78.22	72.44	10.86
2000	67.93	77.92	72.72	9.99
2001	67.35	79.40	72.50	12.05
2002	66.55	75.77	70.98	9.22
2003	66.17	76.10	70.92	9.93
2004	69.06	76.36	72.63	7.3
2005	67.39	77.13	71.93	9.74

*

2006	68.9	75.7	72.30	6.80
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MINISTRY OF HEALTH (2005) *Annual Health Statistics 2005*, p17

*NSB (2007) *Seychelles in Figures 2007*, p9

⁷ *Statistical Information on Marital Status and Family Structure*

- In 2002, 21.3% of the population were living in a common-law relationship (co-habiting), with a growth rate of +0.4% from 1994 numbers.
- In 2002, 26.8% of the population were legally married, with a significant decreased of -2.2% since 1994.
- In 2002, 3.2% of the population were either divorced or separated, with a growth rate of +0.6% from 1994.
- The average household size has steadily fallen from 4.9 in 1977 to 3.9 in 2002, indicating trends from extended families to nuclear families with less number of children.
- The number of female-headed households has been rising steadily from 45% in 1987, to 47% in 1994, to 49% in 2002. Although this is calculated as 52% of families headed by women (omission of 1-person households from calculations).

- 60.8% of large or extended households (7+ persons) are headed by women, indicating the matrifocal tendencies of Seychellois society and the fact that women take on the primary care role of children and other dependents.
- *76.4% of children born out of wedlock in 2005.

NATIONAL STATISTICS BUREAU (2002) *National Population and Housing Census*

* Above calculations manipulated from statistics from: **NATIONAL STATISTICS BUREAU (2005) *Statistical Abstract 2006*, p11.**

⁸ **Section 8(1); Maintenance Orders**

Notwithstanding any proceedings in respect of an offence under section 6(3), where a parent –

- a) Fails to maintain his child in terms of section 4; or
- b) Fails to pay maintenance in terms of section 6(2).

then –

- i) the other parent of the child; or
- ii) a custodian of the child; or
- iii) the Director on behalf of a person described in paragraph (i) or (ii),

may apply to the Tribunal for an order for the payment by that defaulting parent of maintenance, including arrears thereof, for the child.

LAWS OF SEYCHELLES (1998) *Children (Amendment) Act*, Cap 28, Section 8(1)

⁹ **Section 8(3a)**

If on an application under subsection (1) it appears to the Family Tribunal that the child is or will be engaged in a course of education or training after becoming 18 years of age and that payments of maintenance should continue when the Tribunal may vary the order by requiring the defaulting parent to continue to make payments for a specified period not extending beyond the 21st birthday of the child.

LAWS OF SEYCHELLES (2005) *Children (Amendment) Act*, Cap 28, Section 8(3a)

¹⁰ **Section 19(3); Automatic Deduction of Maintenance Payment**

Where an application is made under subsection (1) and it appears to the Tribunal at the time that an amount equal to not less than two of the payments of maintenance required by the order was due and unpaid and it is appropriate to do so, the Tribunal may, instead of making an order under subsection (1), order that the amount due to owing at the time and any other amount due under the maintenance order be deducted by the employer, bank or other person from the salary, wages or other moneys due to the person in respect of whom the application is made and be paid to the person entitled in terms of the order.

LAWS OF SEYCHELLES (1998) *Children (Amendment) Act*, Cap 28, Section 19(3)

¹¹ **Regulation 16(1), Maternity Leave**

- (1) A female worker under a contract of continuous employment or, subject to subregulation (3), under a contract for a fixed term or a part-time female worker is entitled to a total of 12 weeks' paid maternity leave of which not less than 10 weeks, shall be taken after the date of confinement, and to 4 weeks' unpaid leave to be taken either before or after paid maternity leave.

LAWS OF SEYCHELLES (2000), *Employment (Conditions of Employment) (Amendment) Regulations, Regulation 16(1).*

¹² **Regulation 23, Maternity Protection**

- (1) A female worker, from the time she is 6 months pregnant and up to 3 months after her confinement, shall not be employed on overtime work or at night between the hours of 10 p.m. and 5 a.m.
- (2) Where, at any time during her pregnancy and up to 3 months after confinement, a female worker produces a medical certificate that a change in the nature of her work or duties is necessary in the interests of her health or that of her child, she has the right to be transferred to other work or duties appropriate to her condition without loss of wages.

LAWS OF SEYCHELLES (1991) *Employment (Condition of Employment) (Amendment) Regulations, Regulation 23 (1-2).*

¹³ Please refer to Diagram 1 in Annex 3.2 above.

¹⁴ **Policy Objectives and statement**

- Policy Objective 4** Strengthen and sustain the surveillance of HIV/AIDS and STIs.
- Policy Objective 6** Promote stable relationships and family values conducive to the control of HIV/AIDS/STIs
- Policy Objective 8** Increase the capacity of the whole population, but particularly women, youth and other vulnerable groups, to protect themselves against HIV/AIDS and STIs.
- Policy Objective 9** Provide comprehensive health care, including anti-retrovirals, and social support for people living with HIV/AIDS and their families.
- Policy Objective 10** Safeguard the human rights of people living with HIV/AIDS and those affected by the epidemic.
- Policy Statement 8.7** The Government of Seychelles shall reform legislation where necessary to prevent unfair discrimination and breaches of privacy based upon HIV status, and to protect and give redress mechanisms to people at risk.

MINISTRY OF HEALTH (2001) *National Policy for the Prevention and Control of HIV/AIDS and STIs, November 2001, p9 & 21.*

¹⁵ **Policy Statements; political commitment**

“... The Government will allocate adequate human, material and financial resources to HIV/AIDS/STIs activities, and will encourage the private sector to allocate adequate resources for the prevention and control of HIV/AIDS/STIs.

Priority will be given to prevention and care activities that increase the population’s understanding of HIV/AIDS, create an atmosphere of openness, reduce ignorance and remove irrational fears. Such activities will contribute directly to the development of tolerance and openness, and removal of the stigma attached to HIV/AIDS...”

MINISTRY OF HEALTH (2001) *National Policy for the Prevention and Control of HIV/AIDS and STIs*, November 2001, p10.

¹⁶ **Policy Statement; legislation**

“The Public Health Act will be reviewed in the light of this policy to address the classification of HIV/AIDS under the act, protection of the rights of PLWHA, the penalty for the wilful spread of HIV infection, and other issues...”

MINISTRY OF HEALTH (2001) *National Policy for the Prevention and Control of HIV/AIDS and STIs*, November 2001, p10.

¹⁷ **Policy Statement; human rights and avoidance of discrimination**

“The Government of Seychelles shall reform legislation where necessary to prevent unfair discrimination and breaches based upon HIV status, and to protect and give redress mechanisms to people most at risk...”

MINISTRY OF HEALTH (2001) *National Policy for the Prevention and Control of HIV/AIDS and STIs*, November 2001, p21.

¹⁸ **Maternal Deaths in Seychelles 1978-2005**

Year	Number of Maternal Deaths	Number of Live Births	Maternal Mortality Ratio
1978	1	1796	55.68
1979	1	1730	57.80
1980	1	1830	54.64
1981	0	1802	0.00
1982	0	1552	0.00
1983	1	1662	60.17
1984	0	1739	0.00
1985	1	1729	57.84
1986	0	1722	0.00
1987	1	1684	59.38
1988	1	1643	60.86
1989	1	1600	62.50
1990	1	1617	61.84
1991	1	1706	58.62
1992	0	1601	0.00

1993	0	1689	0.00
1994	1	1700	58.82
1995	1	1582	63.21
1996	0	1611	0.00
1997	0	1475	0.00
1998	2	1412	141.64
1999	0	1460	0.00
2000	0	1512	0.00
2001	0	1440	0.00
2002	1	1481	67.52
2003	1	1498	66.76
2004	1	1436	69.64
2005	1	1536	65.10

MINISTRY OF HEALTH (2005) *Annual Health Statistics 2005*, p16.

¹⁹ **MINISTRY OF HEALTH (2007) CDCU**

²⁰ **YOUTH HEALTH CENTRE (2005) *Annual Report***

²¹ **MINISTRY OF HEALTH (2001) *National Policy for the Prevention and Control of HIV/AIDS and STIs*, November 2001**

²² **MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT (2002) *Committee for the Harmonisation of Laws Concerning Children in Seychelles: Final Report January 2002***

²³ **Section 130(3b)**

A person does not consent to an act which if done without consent constitutes an assault under this section if –

b. the person is below the age of fifteen years

Section 135(1-2a)

- (1) A person who commits an act of indecency towards another person who is under the age of fifteen years is guilty of an offence and liable to imprisonment for 20 years.
- (2) A person is not guilty of an offence under this section if at the time of the offence the victim of the act of indecency was –
 - a.* Fourteen years old or older and the accused had reasonable ground to believe that the victim was over fifteen years old...

LAWS OF SEYCHELLES (1996) *Penal Code (Amendment) Act, Cap 158, Section 130(3b) and 135(1-2a)*

²⁴ Section 40; Age of Parties

A male person under the age of eighteen years or a female under the age of fifteen years cannot contract marriage. But the Minister may for grave causes authorise any person under the above age to contract marriage.

LAWS OF SEYCHELLES (1991ed) Civil Status Act, Cap 34, Section 40

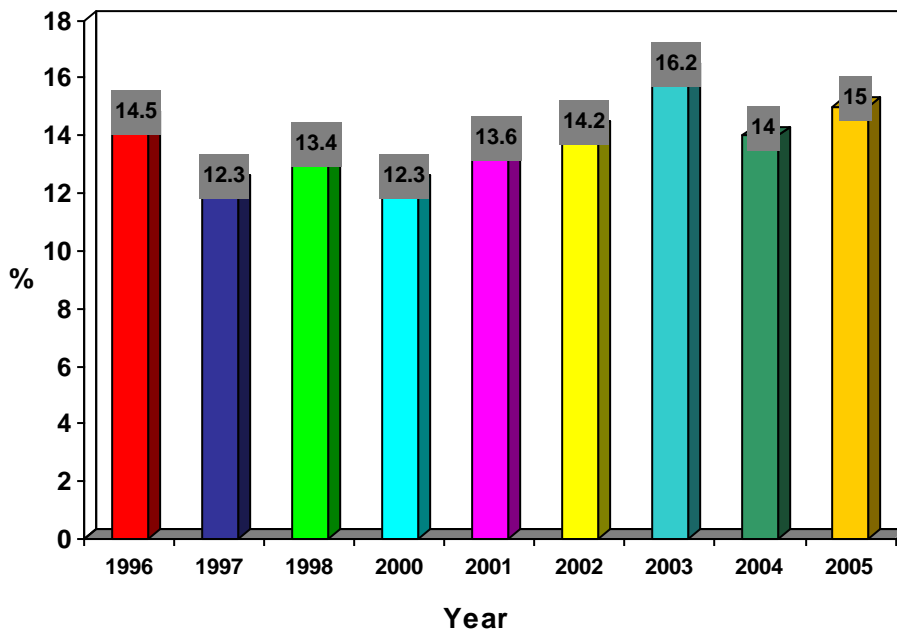
²⁵ **NATIONAL AIDS COUNCIL (2005) National HIV and AIDS Strategic Plan 2005-2009, p37-38.**

²⁶ Strategic Objective 3; specific objective 1; targets 1.1 to 1.6

- 1.1 Existing PSE curriculum is reviewed with special emphasis on life skills, including abstinence, negotiation and parenting
- 1.2 Gender is mainstreamed in PSE
- 1.3 Improved and effective PSE teaching methods are introduced and implemented
- 1.4 PSE curriculum includes formal assessment of teaching and learning by all stakeholders
- 1.5 All PSE teachers are trained in life skills education
- 1.6 All schools have teachers trained in life skills education

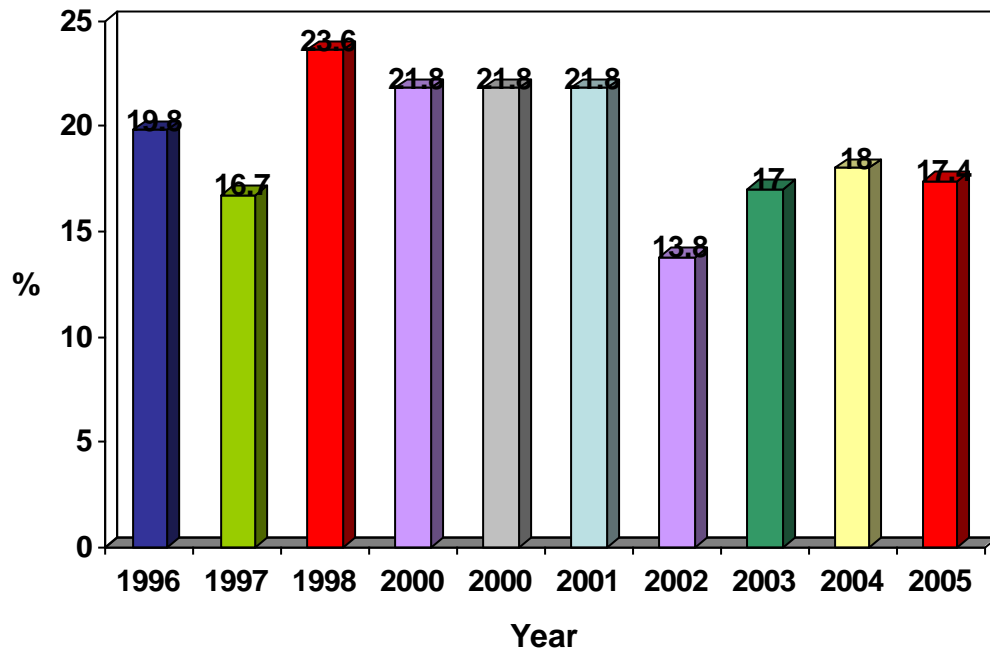
NATIONAL AIDS COUNCIL (2005) National HIV and AIDS Strategic Plan 2005-2009, p40.

²⁷ Percentage of Births to Teenage Mothers



YOUTH HEALTH CENTRE (2006)

²⁸ Percentage of Abortions (spontaneous or induced) to Teenagers



YOUTH HEALTH CENTRE (2006)

²⁹ Access to termination of pregnancy operates under the Termination of Pregnancy Act 1994, which allows for termination up to the twelfth week of gestation on health grounds as determined by three medical practitioners on the Termination of Pregnancy Board.

³⁰ Total number of Abortions by Type for 2002-2005

	2002	2003	2004	2005
Incomplete abortions	221	195	203	209
Complete abortions	41	43	25	39
Terminations of pregnancy	88	66	57	60
Total number of abortions	350	304	285	308

MINISTRY OF HEALTH (2006)

³¹ ***Abortions by Type for Female Surgical Patients Aged 10-24 Years, 2006***

Age groups	TOP	Incomplete abortion	Septic	total
10-14	0	1	0	1
15 - 19	18	37	4	71
20-24	8	45	8	83
25-29	11	47	6	94
30-34	7	47	2	91
35-45	16	32	1	83
Total				413

MINISTRY OF HEALTH (2006)

³² ***Strategic Objective 4; specific objective 4; targets 4.1 to 4.10***

- 4.1 Standards and guidelines for care and support services are established
- 4.2 The whole population is sensitised on the availability of care and support services
- 4.3 The coverage of VCT services is extended to all health facilities
- 4.4 The quality of VCT services is improved in all sites
- 4.5 All health care providers working in HIV/AIDS care and management are properly trained
- 4.6 Coordination is established between complementary and Western medicine related to HIV/AIDS
- 4.7 Basic care and support services for PLWHA and their families are decentralised
- 4.8 All equipment and supplies related to HIV/AIDS e.g. Test kits / ARV / Lab facilities / drugs for opportunistic conditions meet quality requirement and their supply is ensured at all times
- 4.9 Burnout is addressed in health caregivers in HIV/AIDS services
- 4.10 Stigma and discrimination are addressed in all HIV/AIDS related services

NATIONAL AIDS COUNCIL (2005) *National HIV and AIDS Strategic Plan 2005-2009*, p46

³³ ***Article 38***

- 1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- 2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

-
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
 4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

UNITED NATIONS (1989) *Convention on the Rights of the Child*, Article 38 (1-4)

³⁴ **Section 23; Enrolment of Person Under 18 Years of Age**

No person who is under the age of 18 years shall be enrolled without the consent in writing of his parents or his guardian or, when the parents or guardian are dead or unknown, of the President.

LAWS OF SEYCHELLES (1991) *Defence (Amendment) Act*, Cap 58, Section 23

³⁵ **Section 136(1)**

A person who interferes sexually with another person of the age of fifteen years or older but under the age of eighteen years, referred to in this section as the “victim”, who –

- a. Is dependent upon, or is under legal authority of, the first mentioned person, but is not the spouse of the first-mentioned person; or
- b. Is closely related by blood to the first-mentioned person,

Is guilty of an offence and is liable to imprisonment for 20 years.

LAWS OF SEYCHELLES (1996) *Penal Code (Amendment) Act*, Cap 158, Section 136(1)

³⁶ **Section 235; Common Assault**

Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for two years.

LAWS OF SEYCHELLES (1995) *Penal Code (Amendment) Act*, Cap 158, Section 235

³⁷ **Section 236; Assaults Causing Actual Bodily Harm**

Any person who commits an assault occasioning actual bodily harm is guilty of a felony, and is liable to imprisonment for seven years.

LAWS OF SEYCHELLES (1995) Penal Code (Amendment) Act, Cap 158, Section 236

³⁸ **Section 141; Detention with Intent or in Brothel**

Any person who detains any woman or girl against her will –

- a.* In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally;
or
- b.* In any brothel,

Is guilty of a misdemeanour.

LAWS OF SEYCHELLES (1996) Penal Code (Amendment) Act, Cap 158, Section 141

³⁹ **Section 133-134; Abduction of Women and Girls**

133. Any person who, with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

133A(1) Any person who unlawfully takes an unmarried girl under the age of eighteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her and against the will of such father or mother or other person, if she is taken with the intention that she may be unlawfully and carnally known by any man whether any particular man or generally, is guilty of a misdemeanour.

(2) It shall be sufficient defence to a charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of eighteen years.

134. Any person who unlawfully takes an unmarried girl under the age of fifteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

LAWS OF SEYCHELLES (1991) Penal Code (Amendment) Act, Cap 158, Section 133-134

⁴⁰ **Section 130 (1-2); Sexual Assault**

- (1) Any person who sexually assaults another person is guilty of an offence and liable to imprisonment for 20 years.
- (2) For the purposes of this section “sexual assault” includes –
- a. An indecent assault;
 - b. The non-accidental touching of the sexual organ of another;
 - c. The non-accidental touching of another with one’s sexual organ; or
 - d. The penetration of a body orifice of another for a sexual purpose.

LAWS OF SEYCHELLES (1996) *Penal Code (Amendment) Act, Cap 158, Section 130 (1-2)*

⁴¹ **Section 11B; Evidence of a Vulnerable Witness**

- (1) In this section –
- “special arrangement” means an arrangement for –
- (a) Evidence of a witness to be given outside the courtroom and simultaneously transmitted to the courtroom by means of closed circuit-television;
 - (b) Obscuring a witness’ view of a party to whom the evidence of the witness relates or any other person who might intimidate or otherwise cause distress to the witness while allowing the witness to be seen and heard by the court and the parties to the proceedings by allowing the witness to give evidence behind the screen, partition or one-way glass;
 - (c) A witness to be accompanied by a relative or friend for the purpose of providing emotional support to the witness but where the relative or friend is visible to and can be heard by the court and all parties to the proceedings;

“vulnerable witness” means –

- (a) A witness who is under the age of 16 years;
 - (b) A witness who suffers from an intellectual disability;
 - (c) A witness who is the alleged victim of a sexual offence to which the proceedings relate;
 - (d) A witness who is, in the opinion of the court, at some special disadvantage because of the circumstances of the case, or the circumstances of the witness.
- (2) Where the court is of the opinion that it is desirable and practical that special arrangements be made for the taking of evidence from a vulnerable witness –
- (a) To protect the witness from embarrassment or distress;
 - (b) To protect the witness from being intimidated by the atmosphere of the courtroom;
 - (c) For any other proper reason,

and that the special arrangement would not prejudice a party to the proceedings the court may, subject to this section, make an order accordingly.

(3) Where, on a trial by jury, the court makes an order under subsection (2), the judge shall warn the jury not to draw from that fact any inference adverse to an accused and not to allow it to influence the weight to be given to the evidence of the witness in respect of whom the order was made.

LAWS OF SEYCHELLES (1995) Evidence (Amendment) Act, Cap 74, Section 11

⁴² **Section 77(1)**

“There shall be a Family Tribunal which shall consist of a Chairman, 2 Vice-Chairman, and such other members, being not less than 5 and not more than 15, as the Minister may appoint and the Minister shall publish the names of the persons appointed as members of the Tribunal in the Gazette.

LAWS OF SEYCHELLES (1998) Children (Amendment) Act, Cap 28, Section 77(1)

⁴³ **Family Violence (Protection of Victims) Act 2000**

2(1) In this Act –

“Director of Social Services” means the person performing the functions of this office in the Ministry responsible for Social Affairs;

“family violence” means conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person’s family that causes that or another member of the person’s family to fear for or to be apprehensive about, the personal safety or well being of that or the other member of the person’s family;

“member of a person’s family” or “family member of a person” means –

- a.* A spouse or former spouse of the person;
- b.* A son, daughter, grandson or granddaughter of the person or of the spouse or of a former spouse of the person;
- c.* A brother, sister parent, or grandparent of the person or of the spouse or of a former spouse of the person;
- d.* A member of the household of the person or of the spouse or of a former spouse of the person;

“protection order” means a protection order under this Act;

“respondent” means the person against whom a protection order is sought or is in force;

“spouse” includes –

- a.* A person of the opposite sex who is cohabiting with another person as the de facto husband or wife of that person;
- b.* A person of the opposite sex, whether living with another person or not, who with the other person are the parents of a common child;

“Tribunal” means the Family Tribunal established under the Children’s Act.

3(1) The Tribunal may, on application, grant a protection order.

(2) An application for a protection order may be made –

- a.* By a family member who has been or may be subjected to family violence
- b.* Where the family member referred to in paragraph (a) is an adult and is unable to make the application, by the Director of Social Services;
- c.* Where the family member referred to in paragraph (a) is a child –
 - i.* By a parent or guardian of the child;
 - ii.* By a person with whom the child normally or regularly resides;
 - iii.* By the Director of Social Services;
 - iv.* By the child, with leave of the Tribunal, if the child has attained the age of 14 years...

(7) Where on application for a protection order the Tribunal is satisfied that there is a serious risk of harm being caused to a family member before summoning and hearing the respondent and that it is appropriate to do so, the Tribunal may issue an interim protection order and the order shall remain in force until the determination of the application, unless the Tribunal determines otherwise.

(8) A party in a proceeding in respect of an application for a protection order may call witness in support of the party’s case.

(9) Where the Tribunal is of the opinion that it is necessary for the protection of the privacy of a person concerned in the proceeding in respect of an application for a protection order, the Tribunal may hold the proceeding in private and for this purpose may exclude any person from the proceeding, other than persons directly concerned with proceeding, the legal representatives of the persons and where appropriate, the Director, Social Services.

(10) In considering an application for a protection order on the terms of the order the Tribunal shall have regard to –

- a.* The need to ensure that family members are protected against violence;
- b.* The welfare of any child affected or likely to be affected by the conduct of the respondent;
- c.* The accommodation need of the family member;

-
- d.* Any hardship that may be caused to the family members including the respondent;
 - e.* The income, assets and liabilities of the respondent and the other family members when considering whether to direct the respondent to return any property to a family member or allow a family member to recover or have access to or make use of any property;
 - f.* Any other legal proceedings between the respondent and a family member;
 - g.* Any other matter that the Tribunal may consider relevant, including the prayer contained in the application...

4(1) A protection order made under this Act –

- a.* May impose such restraints on the respondent as are necessary or desirable to prevent the respondent acting in an apprehended manner or engaging in any conduct which may constitute family violence;
- b.* May apply for the benefit of –
 - i.* The member of the respondent’s family who made the application for the order or on whose behalf the application was made or for whose protection the application was made; or
 - ii.* Any other member of the family specified in the order.

(2) Without limiting the effect of subsection (1), a protection order may –

- a.* Prohibit the respondent from being on premises at which a family member resides, works, is studying or is undergoing vocational training or an apprenticeship;
- b.* Prohibit the respondent from being on premises specified in the order frequented by a family member;
- c.* Prohibit the respondent from being in a locality specified in the order;
- d.* Prohibit the respondent from approaching within a distance specified in the order of a family member;
- e.* Prohibit the respondent from contacting, harassing, threatening or intimidating a family member, or any other person at a place where a family member resides, works, is studying or is undergoing vocational training or an apprenticeship;
- f.* Prohibit the respondent from damaging property of a family member or property, including furniture and household effects, used by a family member;
- g.* Prohibit the respondent from taking possession of moveable property, including furniture and household effects, used by a family member;
- h.* Prohibit the respondent from causing or allowing another person to engage in a conduct referred to in paragraphs (e) to (g);
- i.* Direct the respondent to return any movable property specified in the order to a family member or to allow a family member to recover or have access to or make use of moveable property specified in the order;
- j.* Direct the respondent to attend such counselling or rehabilitation programmes as may be specified in the order,

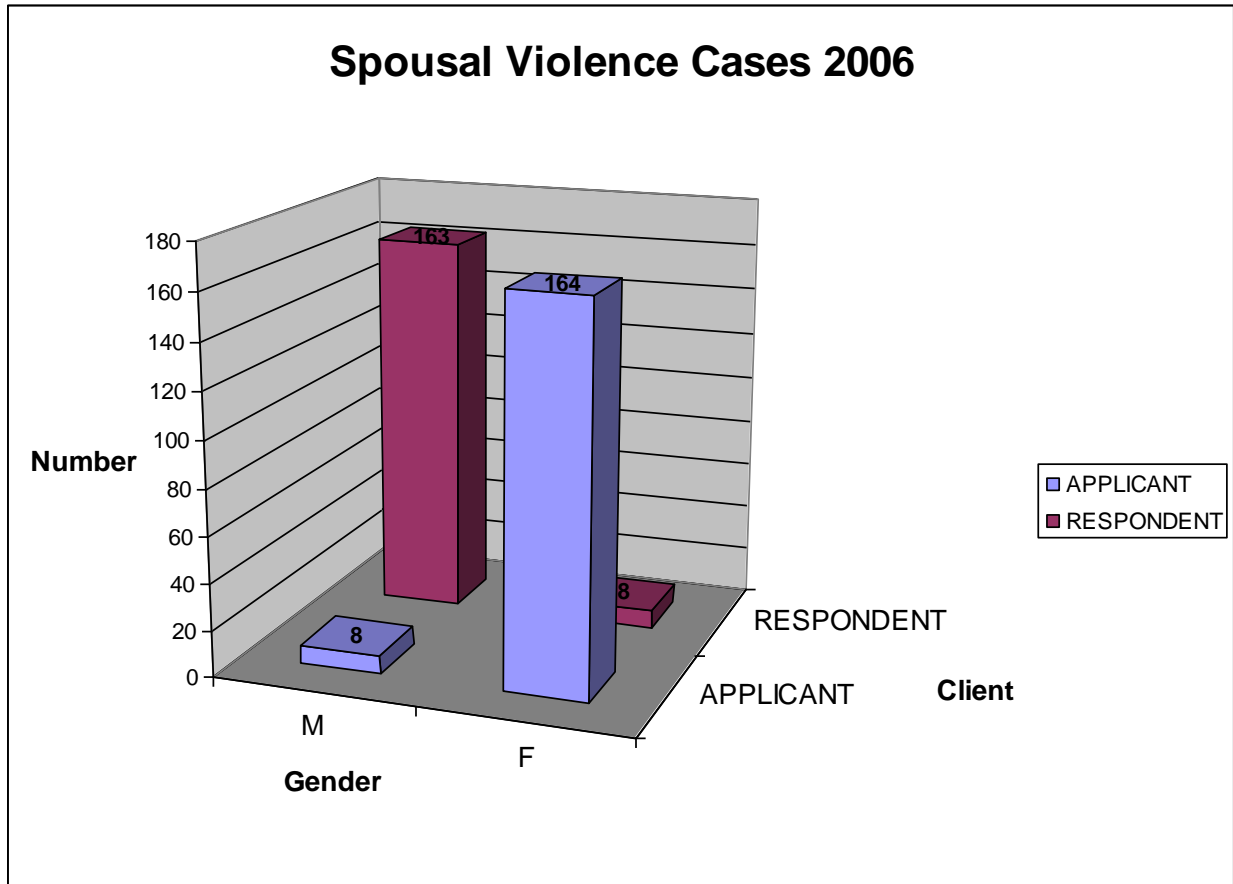
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- k.* Specify conditions subject to which a respondent may –
 - i.* Be on or in a locality specified in the order;
 - ii.* Approach or contact a family member or any other person at a place where a family member works, resides, is studying or is undergoing vocational training or an apprenticeship;
 - l.* Contain any other condition which the Tribunal considers necessary in the circumstances.
- (3) A protection order may be made against a respondent in relation to premises or property despite the fact that the respondent has a legal or equitable interest in the premises or property.
- (4) Where the Tribunal makes an order which –
- a.* Prohibits the respondent from being on any premises; or
 - b.* Limits the access of the respondent to the premises,

And the premises are rental premises or premises in respect of which the respondent is or the spouses are repaying any instalments in respect of a mortgage or charge, the Tribunal may, when making the order prohibiting or limiting the access of the respondent, also order the respondent to pay the rent or the instalments during the currency of the order.

- (5) A protection order –
- a.* Shall be valid for the period specified in the order,
 - b.* Shall not, in any event, be for a period of more than 24 months
5. Notwithstanding any other written law, no costs shall be allowed in proceedings under this Act.
6. A person who intentionally contravenes an interim protection order or a protection order shall be guilty of an offence and liable on conviction before the Tribunal to a fine of R30, 000 or to imprisonment for 3 years or to both such fine and imprisonment...

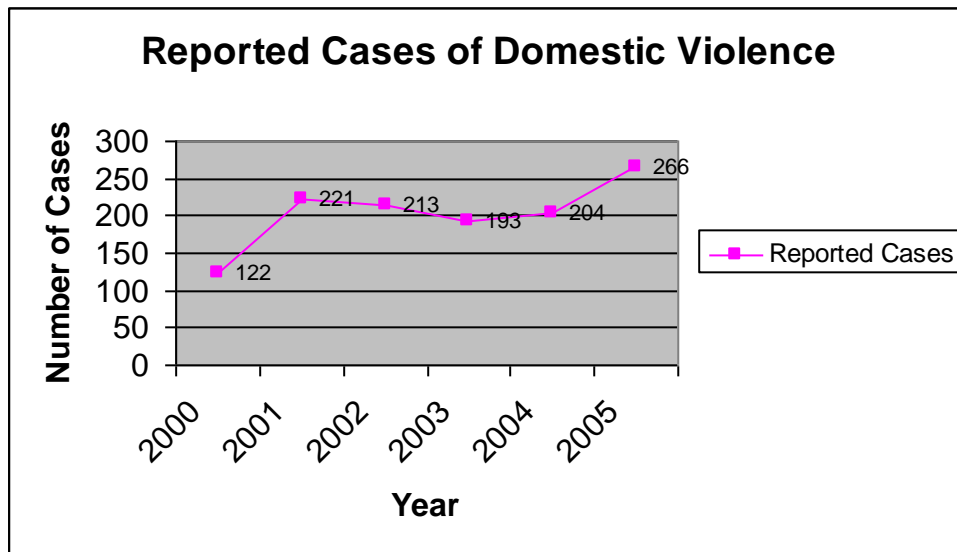
LAWS OF SEYCHELLES (2000) *Family Violence (Protection of Victims) Act 2000*, Section 2, 3(1)-(2), 3(7)-(10), 4-7.

⁴⁴ Spousal Violence Cases 2006



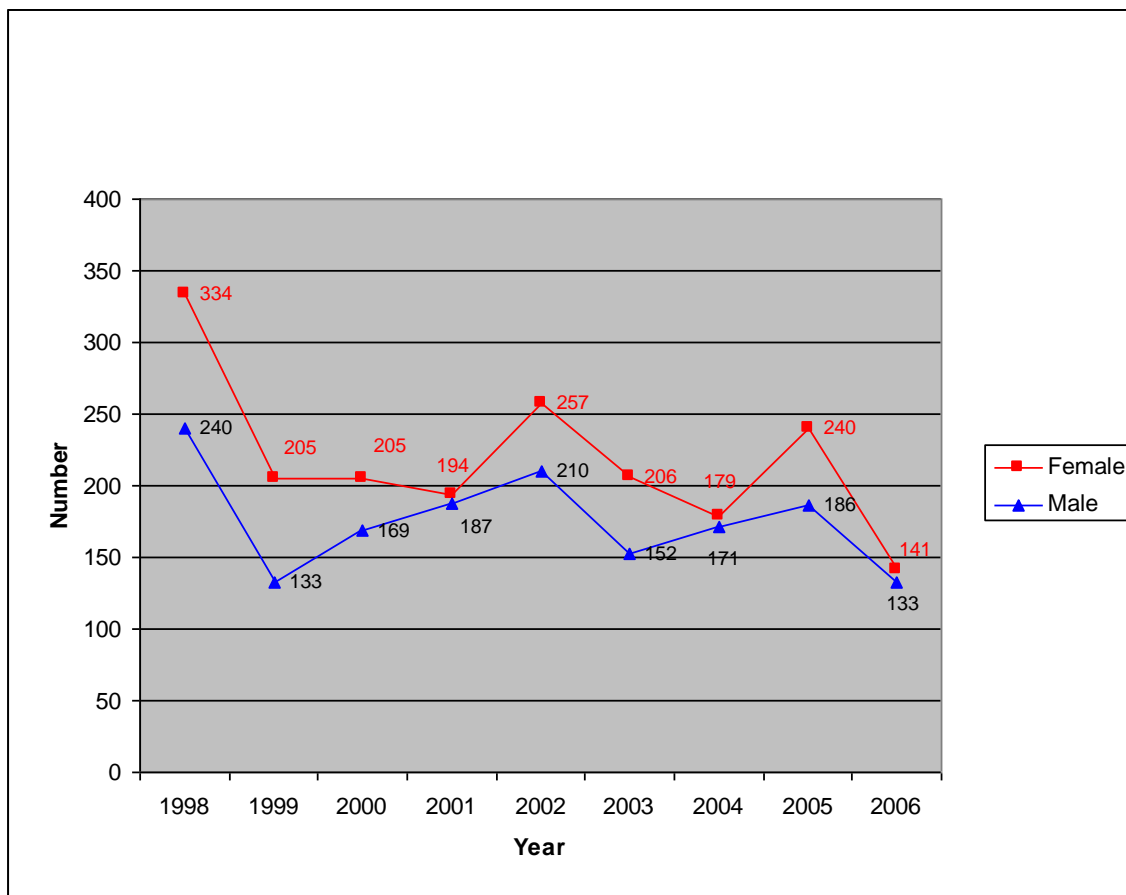
Above calculations manipulated from statistics from:
FAMILY TRIBUNAL SECRETARIAT (2007)

⁴⁵ Reported Cases of Domestic Violence 2000-2005



SEYCHELLES POLICE (2006) OC CIU

⁴⁶ Registered Active Job Seekers Aged 20-24 by Sex and Year, 1998-2006



Above calculations manipulated from statistics from:
DEPARTMENT OF EMPLOYMENT (2007)

⁴⁷ CSD Training Scheme Statistics – Current Schemes

Programmes	Male	Female	Total
PSBD	6	92	98
SAP	23	125	148
Total	29	217	

CENTRE FOR SKILLS DEVELOPMENT (2007) Ministry of Employment and Social Affairs

⁴⁸ Article 5

“... this Constitution is the supreme law of Seychelles and any other law found to be inconsistent with it is, to the extent of the inconsistency, void.”

THE REPUBLIC OF SEYCHELLES (1993) Constitution of the Third Republic of Seychelles, Cap 1, Article 5.

⁴⁹ **Section 135(1)**

A person who commits an act of indecency towards another person who is under the age of fifteen years if guilty of an offence and liable to imprisonment for 20 years:

Provided that where the person accused is of or above the age of 18 years and the act of indecency is of a kind described in subsection 2(c) or (d) of section 130(2) the person shall be liable to imprisonment for a term not less than 7 years and not more than 20 years:

Provided also that if the person is convicted of a similar offence within a period of 10 years from the date of the first conviction, the person shall be liable to imprisonment for a period not less than 14 years and not more than 20 years.

LAWS OF SEYCHELLES (2005) *Penal Code (Amendment) Act, Cap 158, Section 135(1)*

⁵⁰ **Section 152 (1); Display of or Traffic in Indecent Material**

A person who –

- a. For the purposes or by way of trade or for the purpose of public exhibition or distribution to the public, makes, purchases, hires, or has in the person's possession any indecent material;
- aa. *Makes, takes or has in the person's possession without a reasonable excuse an indecent photograph, sketch, drawing, or picture of a child;
- b. For the purposes or by way of trade or for the purpose of public exhibition or distribution to the public conveys, exports, or imports, causes to be conveyed, exported or imported or puts in circulation any indecent material;
- c. Deals in indecent material or carries on or takes part in any business concerned with the making, producing, hiring, distribution to the public, export, import, public exhibition or circulation of any indecent material;
- d. Advertises or makes known by any means whatsoever with a view to assist in the distribution or circulation of or traffic in any indecent material;
- e. Publicly sells or exposes for sale any indecent material;
- f. Exposes to view in a public place any indecent material;
- ff. *Wilfully or negligently exhibits to a child any indecent material;
- g. Publicly exhibits, appears, performs or takes part in or assists in any capacity with the public exhibition of any indecent show, entertainment or representation tending to corrupt morals;
- h. Publishes an indecent material,

Is guilty of an offence and liable to imprisonment for five years.

LAWS OF SEYCHELLES (1996 & *2005) *Penal Code (Amendment) Act, Cap 158, Section 152(1)*

⁵¹ **Section 3(2a) Child Protection Register**

It shall be the duty of the Director to keep and maintain in the prescribed form a register, to be known as the Child Protection Register, of particulars of cases of offences committed against children that would be necessary to ensure the protection of such children.

LAWS OF SEYCHELLES (2005) *Children (Amendment) Act, Cap 28, Section 3 (2a)*

⁵² **Article 26(1): The Right to Property**

Every person has a right to property and for the purpose of this article this right includes the right to acquire, own, peacefully enjoy and dispose of property either individually or in association with others.

THE REPUBLIC OF SEYCHELLES (1993) *Constitution of the Third Republic of Seychelles, Cap 1, Article 26(1).*

Section 4(1); Married Women to be capable of holding property and of contracting as if unmarried

A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding and disposing by will or otherwise of any movable or immovable property, in the same manner as if she were a feme sole, without the intervention of any trustee or the consent of her husband.

LAWS OF SEYCHELLES (1991 ED) *Status of Married Women Act, Section 4(1).*

⁵³ **Article 745; Succession Devolving upon Descendants**

Children or their descendants succeed to their father and mother, grandfather and grandmother, or other descendants without distinction of sex or primogeniture, even if they are born of different marriages.

They take in equal shares, and per head, if they are all of the first degree and inherit in their own right; they take *per stirpes* when all or some of them inherit by representation.

LAWS OF SEYCHELLES (1991) *Civil Code of Seychelles (Amendment) Act, Article 745*

⁵⁴ **Article 766 and 767(1); Rights of the Surviving Spouse**

766 When the deceased spouse leaves no descendants, ascendants or, in the collateral line, any heirs within the third degree inclusively of relationships, or any descendants of nephews and nieces, his succession shall devolve upon the surviving spouse. Provided that in this case article 759, in respect of the rights of the surviving spouse when there are natural children, as provided by that article, shall have application.

767 In case the deceased spouse leaves any descendants or ascendants or in the collateral line, any heirs within the third degree inclusively of relationship, or any descendants of nephews or nieces, the surviving spouse shall be entitled to all the personal chattels of the deceased as defined by law, and to one half share of the remainder of the succession. Provided that nothing in this article shall be deemed to affect in any way the provisions of the law relating to dispositions by gift *inter vivos* or by will.

LAWS OF SEYCHELLES (1991) *Civil Code of Seychelles (Amendment) Act, Cap33, Article 766 -767(1)*

⁵⁵ **Section 19; Maintenance Pending Suit**

On a petition for divorce or nullity of a marriage or an order of separation, the court may make such an order requiring a party to the marriage –

- a.* To make to the other party or to any person, for the maintenance of the other party;
- b.* To make to any person for the benefit of a relevant child

Such periodical payment for such term, being a term not earlier than the date of the presentation of the petition, as the court thinks reasonable in the circumstances.

LAWS OF SEYCHELLES (1994) *Matrimonial Causes (Amendment) Act, Cap 124, Section 19*

⁵⁶ **Section 20(1); Financial Relief**

Subject to section 24, on the granting of a conditional order of divorce or nullity or an order of separation, or at any time thereafter, the court may, after making such inquiries as the court thinks fit and having regard to all the circumstances of the case, including the ability and financial means of the parties to the marriage –

- a.* Order a party to a marriage to pay to the other party or to any person for the benefit of the other party such periodical payments for such period, not exceeding the joint lives of the parties, as may be specified in the order;
- b.* Pay to the other party or to any person for the benefit of the other party such lump sum in such manner as may be specified in the order;
- c.* Secure to the satisfaction of the court a payment referred to in paragraph (a) or paragraph (b);
- d.* Order a party to a marriage to pay to any person for the benefit of a relevant child such periodical payments for such period as may be specified in the order;
- e.* Order a party to a marriage to pay to any person for the benefit of a relevant child such lump sum as may be specified in the order;
- f.* Order a party to a marriage to secure to the satisfaction of the court a payment referred to in paragraph (d) or paragraph (e);

- g. Make such order, as the court thinks fit, in respect of any property of a party to a marriage or any interest or right of a party in any property for the benefit of the other party or a relevant child.

LAWS OF SEYCHELLES (1994) *Matrimonial Causes (Amendment) Act, Cap 124, Section 20(1)*

⁵⁷ **Section 25(1); Protection of a Party, Child or Property etc.**

Without prejudice to any other power of the court, the court may, on an application by a party to a marriage, grant such order as it thinks fit –

- a. For the protection of a party to the marriage or a relevant child;
- b. Restraining a party to the marriage –
 - i. From entering or remaining in any premises or any part of any premises, including the matrimonial home, where the other party resides or works;
 - ii. From entering the premises of any educational or training institution at which a relevant child is attending;
- c. In relation to the property of a party to the marriage or the matrimonial home;
- d. Relating to the occupancy of the matrimonial home.

LAWS OF SEYCHELLES (1994) *Matrimonial Causes (Amendment) Act, Cap 124, Section 25(1)*

⁵⁸ **Net Enrolment Ratio 2005 – 2006**

Education Level	Girls : Boys		
	2005	2006	Difference
Crèche	1000 : 956	1000 : 968	+12
Primary	1000 : 1068	1000 : 1054	+14
Secondary	1000 : 1003	1000 : 998	-5
Post-secondary and Non-tertiary Institutions	1000 : 807	1000 : 787	-20
Tertiary	1000 : 728	-	-

Above calculations manipulated from statistics from:

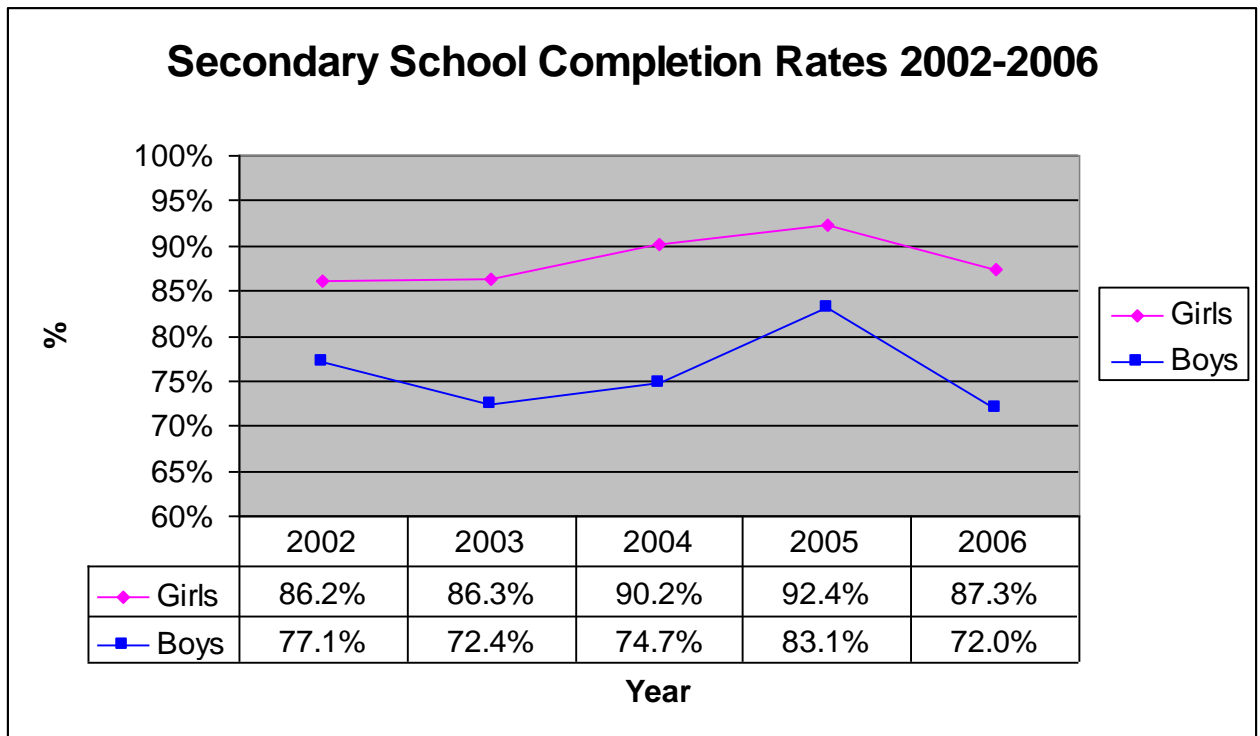
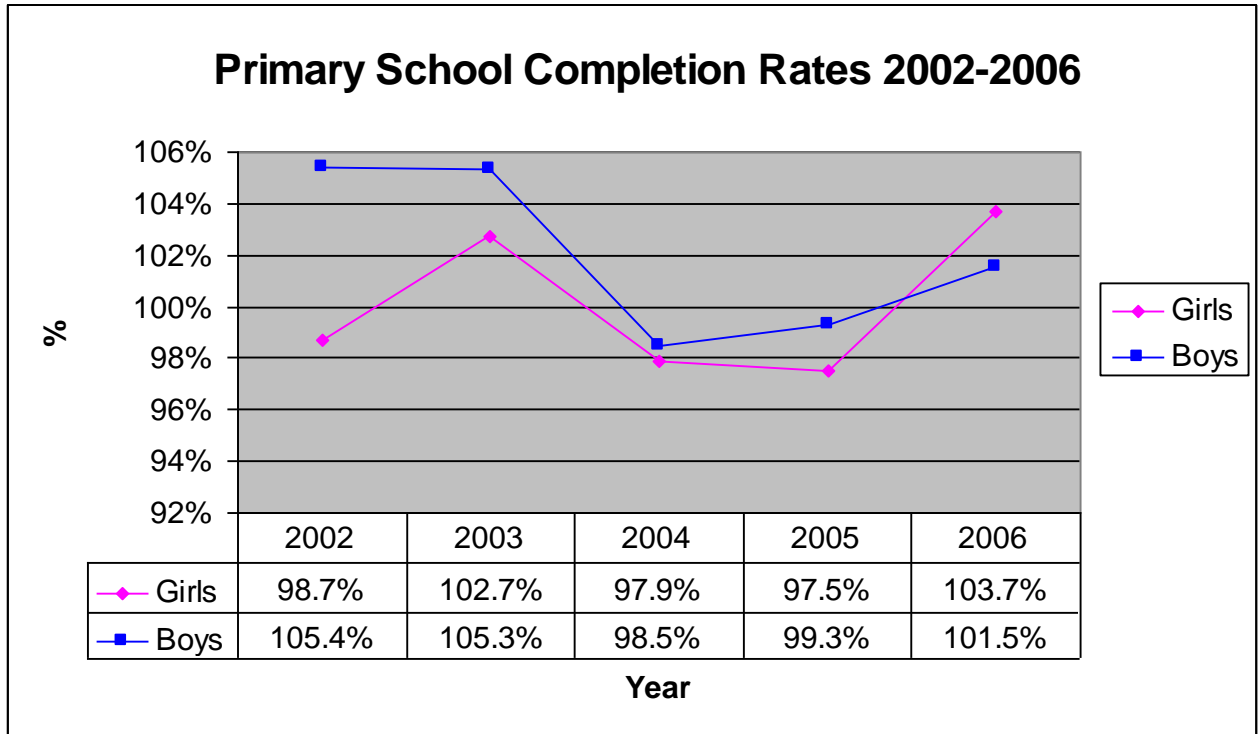
NATIONAL STATISTICS BUREAU (2005) *Statistical Abstract 2004, p116-118; and MINISTRY OF EDUCATION AND YOUTH (2006) *Education Statistics, p3-4**

⁵⁹ **Student Teacher Ratios 2002 - 2006-12-21**

School level	2002	2003	2004	2005	2006
Crèche	14 : 1	15 : 1	14 : 1	15 : 1	15 : 1
Primary	14 : 1	14 : 1	14 : 1	14 : 1	13 : 1
Secondary	14 : 1	14 : 1	15 : 1	13 : 1	13 : 1
Post secondary and Non-Tertiary	8 : 1	14 : 1	10 : 1	12 : 1	12 : 1

MINISTRY OF EDUCATION AND YOUTH (2006) *Education Statistics, p6*

⁶⁰ School Completion Rates



Above calculations manipulated from statistics from:

NATIONAL STATISTICS BUREAU (2005) *Statistical Abstract 2004*, p116-117;
 NATIONAL STATISTICS BUREAU (2004) *Statistical Abstract 2003*, p119-120;
 NATIONAL STATISTICS BUREAU (2003) *Statistical Abstract 2002*, p119-120;
 NATIONAL STATISTICS BUREAU (2002) *Statistical Abstract 2001*, p130-131;
 NATIONAL STATISTICS BUREAU (2001) *Statistical Abstract 2000*, p128-129;
 NATIONAL STATISTICS BUREAU (2000) *Statistical Abstract 1999*, p130-131;
 NATIONAL STATISTICS BUREAU (1999) *Statistical Abstract 1998*, p127-128;
 NATIONAL STATISTICS BUREAU (1998) *Statistical Abstract 1997*, p123-124;
 NATIONAL STATISTICS BUREAU (1997) *Statistical Abstract 1996*, p111-112; and
 MINISTRY OF EDUCATION AND YOUTH (2006) *Education Statistics*, p3

⁶¹ *Maritime Training Centre Graduates, 2004-2006*

	2004	2005	2006
Male	89%	85%	86%
Female	11%	15%	14%

Above calculations manipulated from statistics from:
MTC (2006)

⁶² *Maritime Training Centre Completion Rates, 2004-2006*

	2004	2005	2006
Male	100%	100%	100%
Female	100%	100%	100%

Above calculations manipulated from statistics from:
MTC (2006)

⁶³ *Number of Students Enrolling at the Seychelles Agricultural and Horticultural Training Centre, 2004-2006*

Course Year	2004		2005		2006	
	Men	Women	Men	Women	Men	Women
Year 1	70%	30%	54%	46%	77%	23%
Year 2	63%	37%	61%	39%	35%	65%

- ❖ Note- upon successful completion of the first year, trainees are awarded a certificate in General Agriculture Phase I.
- ❖ Twenty of them with the highest overall performance (70%) in their assessment are eligible to follow the second year or phase II of the course base on their request.
- ❖ Therefore the centre annual intake quota is only forty trainees.

Above calculations manipulated from statistics from:
AGRICULTURE AND HORTICULTURE TRAINING CENTRE (2006)

⁶⁴ **National Institute of Education Graduates 2004-2006**

	2004		2005		2006	
	Men	Women	Men	Women	Men	Women
Dip. Primary Education	0%	100%	14%	86%	0%	100%
Dip. Secondary Education	16%	84%	30%	70%	22%	78%
Part-time Courses	61%	39%	3%	97%	25%	75%

Above calculations manipulated from statistics from:

NIE (2006)

⁶⁵ **NIHSS Graduates 2004-2006**

Courses	2004		2005		2006	
	M	F	M	F	M	F
Nursing	0%	100%	0%	100%		100%
Dental Therapy	0%	0%	0%	0%	12%	88%
Pharmacy	0%	0%	0%	0%	17%	83%
Environmental Health Science	22%	78%	0%	0%	10%	90%
Bio-Medical Science	27%	73%	0%	0%	0%	0%
Social Work	12%	88%	0%	0%	0%	0%
Emergency Care	40%	60%	0%	0%	0%	0%
Occupational Therapy	0%	100%	0%	0%	0%	0%

Above calculations manipulated from statistics from:

NIHSS (2006)

⁶⁶ **Business and Secretarial Studies Programme**

Courses	2004		2005		2006	
	Male	Female	Male	Female	Male	Female
Diploma in Accounting	25%	75%	22%	78%	45%	55%
Advance Diploma In Accounting	22%	78%	11%	89%	17%	83%
Diploma in Secretarial Studies	0%	100%	0%	100%	3%	97%

BUSINESS AND SECRETARIAL STUDIES (2006)

⁶⁷ **Goal No. 5**

Eliminating gender disparities in primary and secondary education by 2010 and achieving gender equality in education by 2015 by ensuring full and equal access to and achievement for both genders at primary and secondary levels of education.

MINISTRY OF EDUCATION (2001) National EFA Strategic Plan 2002-20015, Goal No. 5.

⁶⁸ **MINISTRY OF EDUCATION (2001) National EFA Strategic Plan 2002-20015, p1-6.**